

EXHIBIT 43

1 BRENT ALLEN LARSON

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF MISSISSIPPI

4 OXFORD DIVISION

5
6 JOHN RASH,

7
8 Plaintiff,

9 v.

CIVIL ACTION NO.:
3:20-cv-224-NBB-RP

10 LAFAYETTE COUNTY,
11 MISSISSIPPI,

12 Defendant.

13
14
15 VIDEOTAPED REMOTE DEPOSITION OF

16 BRENT ALLEN LARSON

17 Thursday, January 14, 2021

18 9:13 a.m. Central Standard Time

19
20
21
22
23 Reported by:

24 GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

25 JOB NO.: 188442

<p>Page 2</p> <p>1 BRENT ALLEN LARSON</p> <p>2</p> <p>3</p> <p>4</p> <p>5 January 14, 2021</p> <p>6 9:13 a.m. Central Standard Time</p> <p>7</p> <p>8 Videotaped remote deposition of</p> <p>9 BRENT ALLEN LARSON, before Greta H. Duckett,</p> <p>10 CCR, RPR, CRR, CVR-S, RVR-M-S.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 3</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A P P E A R A N C E S</p> <p>3</p> <p>4 FOR THE PLAINTIFF:</p> <p>5</p> <p>6 Isaac Rethy, Esq.</p> <p>7</p> <p>8 SIMPSON THACHER</p> <p>9 425 Lexington Avenue</p> <p>10 New York, New York 10017</p> <p>11</p> <p>12</p> <p>13 Landon Thames, Esq.</p> <p>14</p> <p>15 ACLU OF MISSISSIPPI</p> <p>16 P.O. Box 2242</p> <p>17 Jackson, Mississippi 39225</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A P P E A R A N C E S</p> <p>3 C O N T I N U E D</p> <p>4</p> <p>5 FOR LAFAYETTE COUNTY, MISSISSIPPI:</p> <p>6</p> <p>7 David O'Donnell, Esq.</p> <p>8</p> <p>9 CLAYTON O'DONNELL</p> <p>10 1403 Van Buren Avenue</p> <p>11 Oxford, Mississippi 38655</p> <p>12</p> <p>13</p> <p>14 ALSO PRESENT:</p> <p>15</p> <p>16 Mike Pham, videographer</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 5</p> <p>1 BRENT ALLEN LARSON</p> <p>2 I N D E X</p> <p>3 EXAMINATION INDEX</p> <p>4</p> <p>5 BRENT ALLEN LARSON</p> <p>6 BY MR. RETHY 10</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

<p style="text-align: right;">Page 6</p> <p>BRENT ALLEN LARSON EXHIBIT INDEX</p> <p>EXHIBIT 1 3/4/2019 Facility Use Policy; Bates Lafayette County DOC000006 to Lafayette County DOC000010 15</p> <p>EXHIBIT 2 Order: Amend Facility Use Policy Regarding Use of Courthouse Grounds; Bates Lafayette County DOC000052 23</p> <p>EXHIBIT 3 Photographs 27</p> <p>EXHIBIT 4 Photograph 42</p> <p>EXHIBIT 5 Order: Approve Revision of Facilities use Policy to Include a Requirement of Application to be Made 14 Days Prior to Date of Proposed Use and Requiring Closure of Courthouse Grounds 30 Minutes Before Dusk; Bates Lafayette County DOC000001 49</p> <p>EXHIBIT 6 6/1/2020 email from Janice Antonow; Bates Lafayette County Doc000709 to Lafayette County Doc000710 68</p> <p>EXHIBIT 7 6/15/2020 email from Hughes; Bates Lafayette County Doc001111 to Lafayette County Doc001112 72</p> <p>EXHIBIT 8 7/17/2020 email from Larson to Carwyle; Bates Lafayette County Doc001016 75</p> <p>EXHIBIT 9 Photograph 77</p> <p>EXHIBIT 10 Photograph 78</p>	<p style="text-align: right;">Page 7</p> <p>BRENT ALLEN LARSON EXHIBIT INDEX</p> <p>CONTINUED</p> <p>EXHIBIT 11 9/3/2020 email to Larson from Rikard; Bates Lafayette County DOC000046 to Lafayette County DOC000047 79</p> <p>EXHIBIT 12 Letters; Bates Lafayette County DOC000364 to Lafayette County DOC000370 79</p> <p>EXHIBIT 13 Facility Use Policy, July 2020 90</p> <p>EXHIBIT 14 2019 Facility Use Policy redline 90</p>
<p style="text-align: right;">Page 8</p> <p>BRENT ALLEN LARSON</p> <p>THE VIDEOGRAPHER: Good morning, Counselors. My name is Michael Pham. I am a legal videographer in association with TSG Reporting, Incorporated.</p> <p>Due to the severity of COVID-19 and following the practice of social distancing, I will not be in the same room with the witness. Instead, I will record this videotaped deposition remotely. Our court reporter, Greta Duckett, also will not be in the same room and will swear the witness remotely.</p> <p>Do all parties stipulate to the validity of this video recording and remote swearing and that it will be admissible in the courtroom as if it had been taken following Rule 30 of the Federal Rules of Civil Procedure and the state rules where this case is pending?</p>	<p style="text-align: right;">Page 9</p> <p>BRENT ALLEN LARSON</p> <p>MR. RETHY: Yes.</p> <p>MR. O'DONNELL: Yes. No objection.</p> <p>THE VIDEOGRAPHER: Thank you. This is the start of the remote video-recorded deposition of Brent Larson in the matter of John Rash versus Lafayette County, Mississippi, being heard in the United States District Court, Northern District of Mississippi, Oxford Division, case number 3:20-cv-224-NBB-RP. Today's date is January 14th, 2021. The time on the record is approximately 9:13 a.m.</p> <p>Counsel, will you please introduce yourselves, plaintiffs first.</p> <p>MR. RETHY: Good morning. My name is Isaac Rethy. I'm an attorney with Simpson Thacher & Bartlett. I represent plaintiff, John Rash.</p>

<p style="text-align: right;">Page 10</p> <p>1 BRENT ALLEN LARSON</p> <p>2 MR. THAMES: Good morning.</p> <p>3 My name is Landon Thames. I work</p> <p>4 with the ACLU of Mississippi, and I</p> <p>5 will be representing the plaintiff,</p> <p>6 John Rash, as well.</p> <p>7 MR. O'DONNELL: This is David</p> <p>8 O'Donnell on behalf of Lafayette</p> <p>9 County, Mississippi.</p> <p>10 THE VIDEOGRAPHER: Would the</p> <p>11 court reporter please swear in the</p> <p>12 witness.</p> <p>13 BRENT ALLEN LARSON,</p> <p>14 the witness, having first been duly</p> <p>15 sworn to speak the truth, the whole truth and</p> <p>16 nothing but the truth, testified as follows:</p> <p>17 EXAMINATION</p> <p>18 BY MR. RETHY:</p> <p>19 Q. Good morning, Mr. Larson.</p> <p>20 A. Good morning.</p> <p>21 Q. Have you ever been deposed before?</p> <p>22 A. One other time.</p> <p>23 Q. And when was that?</p> <p>24 A. I don't know. I'd have to</p> <p>25 speculate on that. Maybe 10 years ago.</p>	<p style="text-align: right;">Page 11</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. And what was the nature of that</p> <p>3 deposition?</p> <p>4 A. I own a grocery store, and it was a</p> <p>5 truck driver suing our company for having a</p> <p>6 crushed foot from a dock plate dropped on it.</p> <p>7 Q. Other than that, have you ever</p> <p>8 given testimony, either in court or out of</p> <p>9 court?</p> <p>10 A. I have.</p> <p>11 Q. And could you describe those</p> <p>12 circumstances?</p> <p>13 A. We own a grocery store, a family</p> <p>14 business. And, regularly, I go to city court</p> <p>15 to testify on our business behalf for</p> <p>16 shoplifter prosecution, and I've also testified</p> <p>17 in federal court here in Oxford on a</p> <p>18 counterfeit-money operation here in Oxford that</p> <p>19 we were the ones that received the counterfeit</p> <p>20 bill.</p> <p>21 Q. Okay. Thanks. Do you have a</p> <p>22 binder of documents?</p> <p>23 A. I do.</p> <p>24 Q. Okay. Great. And could you just</p> <p>25 state your full name and address for the</p>
<p style="text-align: right;">Page 12</p> <p>1 BRENT ALLEN LARSON</p> <p>2 record.</p> <p>3 A. My name is Brent Allen Larson.</p> <p>4 Q. And could you state your address,</p> <p>5 as well?</p> <p>6 A. 136 County Road 423, Oxford,</p> <p>7 Mississippi 38655.</p> <p>8 Q. Are you currently a member of the</p> <p>9 Lafayette County Board of Supervisors?</p> <p>10 A. Yes.</p> <p>11 Q. And which district do you</p> <p>12 represent?</p> <p>13 A. One.</p> <p>14 Q. How long have you had that</p> <p>15 position?</p> <p>16 A. 12 months.</p> <p>17 Q. And who was the -- who held that</p> <p>18 position before you did?</p> <p>19 A. Kevin Frye.</p> <p>20 Q. And did you run in a contested</p> <p>21 election against Mr. Frye for that position?</p> <p>22 A. No, I did not.</p> <p>23 Q. Did you do anything to prepare for</p> <p>24 today's deposition?</p> <p>25 A. I did.</p>	<p style="text-align: right;">Page 13</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. Could you describe what that was?</p> <p>3 A. I met with Mr. O'Donnell.</p> <p>4 Q. For approximately how long?</p> <p>5 A. An hour and a half.</p> <p>6 Q. Have you spoken to anyone other</p> <p>7 than Mr. O'Donnell about the deposition?</p> <p>8 A. Yes.</p> <p>9 Q. Who else have you spoken to?</p> <p>10 A. Lisa Carwyle. I just asked how it</p> <p>11 went, just general questions.</p> <p>12 Q. And do you recall what she said?</p> <p>13 A. It was long.</p> <p>14 Q. And anything beyond that?</p> <p>15 A. No, no. I just asked them how it</p> <p>16 went.</p> <p>17 Q. Hopefully, this won't be too long</p> <p>18 today.</p> <p>19 A. Okay.</p> <p>20 Q. I don't think we're going to go</p> <p>21 through each one of the documents in the</p> <p>22 binder. So in terms of just deposition</p> <p>23 procedure on Zoom, I'm going to be asking</p> <p>24 questions. If you can't hear me, either</p> <p>25 because I'm just talking too quietly or not</p>

<p style="text-align: right;">Page 14</p> <p>1 BRENT ALLEN LARSON</p> <p>2 coherently or because there's a technical</p> <p>3 issue, please let me know so that I can try to</p> <p>4 fix the issue or restate my question. Does</p> <p>5 that make sense?</p> <p>6 A. Yes, sir. It does.</p> <p>7 Q. And now, if there is a -- you know,</p> <p>8 some kind of technical issue and someone drops</p> <p>9 off, then we'll -- you know, we'll have to</p> <p>10 adjourn and come back once that technical issue</p> <p>11 is resolved.</p> <p>12 A. Okay.</p> <p>13 Q. The -- your counsel might make</p> <p>14 objections, but unless he tells you not to</p> <p>15 answer, you should proceed to answer, even</p> <p>16 though he's objected to the question. Does</p> <p>17 that make sense?</p> <p>18 A. Yes, it does.</p> <p>19 Q. So could you explain why you</p> <p>20 decided to join the board of supervisors?</p> <p>21 A. I enjoy serving the public. I've</p> <p>22 been in the business of selling groceries for</p> <p>23 30 years, and I'm a lifelong Oxford resident,</p> <p>24 and I just wanted to continue in a different</p> <p>25 aspect to serve our public. And I just enjoy</p>	<p style="text-align: right;">Page 15</p> <p>1 BRENT ALLEN LARSON</p> <p>2 doing it.</p> <p>3 Q. Have you held a public office</p> <p>4 before this year or before the start of your</p> <p>5 term on the board of supervisors?</p> <p>6 A. Yes. I was on the Lafayette County</p> <p>7 school board for three years.</p> <p>8 Q. I'm sorry. You said "school</p> <p>9 board"?</p> <p>10 A. Yes. School board.</p> <p>11 Q. And what years was that?</p> <p>12 A. The three previous years of '16 --</p> <p>13 '17, '18, and '19.</p> <p>14 Q. So we're going to look at a</p> <p>15 document now. And this will be Exhibit 1.</p> <p>16 I'll drop it in the chat. And it's tab 3 of</p> <p>17 your binder.</p> <p>18 (Exhibit 1 was marked for</p> <p>19 identification.)</p> <p>20 BY MR. RETHY:</p> <p>21 Q. Is this a document called, Facility</p> <p>22 Use Policy?</p> <p>23 A. Yes.</p> <p>24 Q. And it says, Effective Date:</p> <p>25 March 4, 2019?</p>
<p style="text-align: right;">Page 16</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever seen this document</p> <p>4 before?</p> <p>5 A. I saw it yesterday.</p> <p>6 Q. Was that in connection with your</p> <p>7 preparation for this deposition?</p> <p>8 A. Yes.</p> <p>9 Q. But prior to yesterday, you've</p> <p>10 never seen this document before?</p> <p>11 A. No.</p> <p>12 Q. So prior to yesterday, did you have</p> <p>13 any awareness that a facility use policy was</p> <p>14 maintained by Lafayette County?</p> <p>15 A. Yes.</p> <p>16 Q. And how did you come to -- when did</p> <p>17 you come to learn that?</p> <p>18 A. I believe it was in June of 2020.</p> <p>19 I'm speculating. Around about June of 2020.</p> <p>20 Q. So prior to June 2020, you didn't</p> <p>21 have any knowledge one way or the other as to</p> <p>22 whether a facility use policy existed?</p> <p>23 A. I don't think so. I mean, I might</p> <p>24 have, but I'm just -- I'm guessing.</p> <p>25 Q. And so how did you come to learn of</p>	<p style="text-align: right;">Page 17</p> <p>1 BRENT ALLEN LARSON</p> <p>2 the existence of the facility use policy in</p> <p>3 June 2020?</p> <p>4 A. Upon recommendations from our</p> <p>5 sheriff.</p> <p>6 Q. And what was the nature of those</p> <p>7 recommendations?</p> <p>8 A. He wanted to amend the facility use</p> <p>9 policy.</p> <p>10 Q. And what was the nature of the</p> <p>11 proposed amendment?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you recall whether any reasons</p> <p>14 were given for the proposed amendment?</p> <p>15 A. I think it was safety concerns.</p> <p>16 Q. Were those safety concerns related</p> <p>17 to increased protest activity following the</p> <p>18 death of George Floyd?</p> <p>19 A. No. Absolutely not.</p> <p>20 Q. What were those safety concerns</p> <p>21 related to?</p> <p>22 A. What were the safety concerns? I</p> <p>23 don't remember.</p> <p>24 Q. So you say you don't remember what</p> <p>25 they were, but you do remember that they were</p>

<p style="text-align: right;">Page 18</p> <p>1 BRENT ALLEN LARSON</p> <p>2 not related to increased protest activity?</p> <p>3 A. That's right.</p> <p>4 Q. Was there increased protest</p> <p>5 activity in Oxford or Lafayette County</p> <p>6 following the killing of George Floyd?</p> <p>7 A. Yes.</p> <p>8 Q. And did you believe that that gave</p> <p>9 rise to any safety concerns?</p> <p>10 A. I don't know.</p> <p>11 Q. Did you discuss any safety concerns</p> <p>12 related to protests over summer of 2020 with</p> <p>13 anyone?</p> <p>14 A. Did I discuss -- I don't remember.</p> <p>15 Q. Do you remember having any</p> <p>16 discussions of any kind related to protest</p> <p>17 activities over the summer of 2020?</p> <p>18 A. Any protest activity? I don't</p> <p>19 remember.</p> <p>20 Q. Do you remember having any</p> <p>21 discussions of any kind related to the</p> <p>22 Confederate monument outside the Lafayette</p> <p>23 County Courthouse at any point during the</p> <p>24 summer of 2020?</p> <p>25 A. I don't remember.</p>	<p style="text-align: right;">Page 19</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. Do you have any recollection of the</p> <p>3 board of supervisors having taken any votes</p> <p>4 related to the Confederate monument over the</p> <p>5 summer of 2020?</p> <p>6 A. Yes.</p> <p>7 Q. And what is that recollection?</p> <p>8 A. We voted not to move the statue, to</p> <p>9 leave it where it's at.</p> <p>10 Q. And how did you vote on that?</p> <p>11 A. I voted to leave it where it is.</p> <p>12 Q. Why did you vote that way?</p> <p>13 A. Because that was my feelings.</p> <p>14 Q. I'm sorry. Can you say that again?</p> <p>15 A. That was my -- my feelings.</p> <p>16 Q. Can you -- do you have any further</p> <p>17 explanation as to why you felt that way?</p> <p>18 A. Listening to my constituents.</p> <p>19 Q. So you had conversations with</p> <p>20 constituents related to the Confederate</p> <p>21 monument over the summer of 2020?</p> <p>22 A. Yes.</p> <p>23 Q. But didn't you just testify that</p> <p>24 you couldn't remember any discussions related</p> <p>25 to the Confederate monument over the summer of</p>
<p style="text-align: right;">Page 20</p> <p>1 BRENT ALLEN LARSON</p> <p>2 2020?</p> <p>3 A. I just know I had discussions. I</p> <p>4 don't know the content. I don't remember the</p> <p>5 content of them.</p> <p>6 Q. So you don't know whether your</p> <p>7 constituents wanted the statue to be kept or</p> <p>8 wanted the statue to be moved?</p> <p>9 A. Yes, I do.</p> <p>10 Q. So you do remember the content to</p> <p>11 some extent?</p> <p>12 A. To some extent, that's correct.</p> <p>13 Q. So how many -- can you provide a</p> <p>14 rough sense of how many conversations you had</p> <p>15 with constituents about the Confederate</p> <p>16 monument?</p> <p>17 A. No.</p> <p>18 Q. Would it have been more like 10 or</p> <p>19 more like a hundred?</p> <p>20 A. I don't know.</p> <p>21 Q. So you have no sense as to whether</p> <p>22 you've talked to, say, only a single person or</p> <p>23 whether you talked to a hundred or more people?</p> <p>24 A. The question was -- I mean, you</p> <p>25 asked me did I talk to 10 or a hundred. I</p>	<p style="text-align: right;">Page 21</p> <p>1 BRENT ALLEN LARSON</p> <p>2 don't know. I know I talked to at least one.</p> <p>3 Q. Do you remember who that was?</p> <p>4 A. No.</p> <p>5 Q. And do you remember what that one</p> <p>6 individual's perspective was on whether the</p> <p>7 statue should be moved or kept?</p> <p>8 A. No.</p> <p>9 Q. So what's the basis for your belief</p> <p>10 that your constituents wanted the statue to be</p> <p>11 kept rather than moved?</p> <p>12 A. Because the majority of my</p> <p>13 constituents wanted to keep it where it is.</p> <p>14 Q. How did you come to learn that that</p> <p>15 was the opinion of the majority of your</p> <p>16 constituents?</p> <p>17 A. From the ones I heard from.</p> <p>18 Q. But you're saying you can only</p> <p>19 remember hearing from one person?</p> <p>20 A. No, I did not. I said there was at</p> <p>21 least one.</p> <p>22 Q. But beyond -- could you say whether</p> <p>23 you heard from less than 10 or more than 10?</p> <p>24 A. I'd say more than 10.</p> <p>25 Q. More than 20?</p>

Page 22

1 BRENT ALLEN LARSON

2 A. I don't know.

3 Q. So it could have been less than 20?

4 A. It could have been.

5 Q. And was this a written

6 correspondence or telephone calls or in-person

7 discussions or what?

8 A. A little bit of all of it. There

9 wasn't -- written response as a text or email.

10 Conversations face to face.

11 Q. You said there were no written

12 responses?

13 A. I had text or email. I don't know

14 what you're classifying "written." But I had

15 text and email.

16 Q. And your understanding is that the

17 majority of those communications were from

18 constituents who wanted to keep the statue at

19 its current location?

20 A. Yes.

21 Q. Did you keep any records reflecting

22 that, or was that just the sense that you got?

23 A. The sense.

24 Q. Did that reflect -- did the

25 decision to keep the statue also reflect your

Page 24

1 BRENT ALLEN LARSON

2 A. Correct.

3 Q. Are you familiar with this

4 document?

5 A. Yes, I am.

6 Q. When did you first see this

7 document?

8 A. Right now. I mean, I saw it

9 looking at it right now.

10 Q. So you have never seen this

11 document before?

12 A. Before today?

13 Q. Correct.

14 A. Correct.

15 Q. But you said you are familiar with

16 it?

17 A. When I was at the meeting. I'm

18 familiar with the content.

19 Q. So this document says, Motion was

20 made by Larry Gillespie, duly seconded by Brent

21 Larson, to amend the facility use policy in

22 order to allow four people or less to use the

23 historic courthouse outside grounds, including

24 the area around the Confederate statue, without

25 a permit, although said individual or group may

Page 23

1 BRENT ALLEN LARSON

2 personal views, or were you purely expressing

3 what you understood to be the position of the

4 majority of your constituents?

5 A. I don't reflect my personal views

6 at all in decisions with the county.

7 Q. I'm sorry. Could you say the last

8 part of that again?

9 A. I do not reflect any personal views

10 in my decisions. I'm not here to represent

11 myself.

12 Q. If you could turn to tab 10.

13 A. Okay.

14 Q. Exhibit 2.

15 (Exhibit 2 was marked for

16 identification.)

17 BY MR. RETHY:

18 Q. You can ignore what I say about

19 which exhibit it will be. Just look at the tab

20 numbers.

21 A. Okay.

22 Q. It's for the written transcript.

23 So this is a document titled,

24 Order: Amend Facility Use Policy Regarding Use

25 of Courthouse Grounds, correct?

Page 25

1 BRENT ALLEN LARSON

2 obtain a permit in order to have exclusive use

3 of the area. Five or more people gathering

4 require a permit for use.

5 And it goes on, but let's just

6 focus on that for the moment. So this says

7 that you seconded this motion, correct?

8 A. That's correct.

9 Q. And could you explain why?

10 A. Because I agreed with the motion

11 made by Mr. Gillespie to amend the policy.

12 Q. And what's your understanding of

13 the nature of the change that was made to the

14 policy through this amendment?

15 A. To allow four or less people to use

16 the courthouse grounds without a permit. Four

17 or more must have a -- or five or more to have

18 a permit so they wouldn't block sidewalks and

19 interfere with courthouse business.

20 Q. So what's your understanding of

21 what the -- so how was that a change from

22 before? What was the policy in this regard

23 before --

24 (Simultaneous speakers.)

25 A. It was all just put together from

<p style="text-align: right;">Page 26</p> <p>1 BRENT ALLEN LARSON</p> <p>2 previous -- the previous policy. It all just</p> <p>3 came in together.</p> <p>4 I'm not sure I understand any other</p> <p>5 part of your question. If you could repeat</p> <p>6 that. I'm not sure I actually answered the way</p> <p>7 you were asking.</p> <p>8 Q. Sure. So this says that five or</p> <p>9 more people need a permit, basically.</p> <p>10 A. Right.</p> <p>11 Q. Four or less don't. And is it your</p> <p>12 understanding that that -- that the four --</p> <p>13 five or more people could gather without a</p> <p>14 permit, or is it your understanding that,</p> <p>15 before this policy, even a single person needed</p> <p>16 a permit?</p> <p>17 A. Before the policy, a single person</p> <p>18 needed a permit.</p> <p>19 Q. So it's your understanding that</p> <p>20 this -- that this amendment was relaxing the</p> <p>21 requirements of the previous policy?</p> <p>22 A. Yes. That's correct.</p> <p>23 Q. And so it's your understanding that</p> <p>24 the presence of a single person on the county</p> <p>25 courthouse grounds without a permit prior to</p>	<p style="text-align: right;">Page 27</p> <p>1 BRENT ALLEN LARSON</p> <p>2 the adoption of this amendment would violate</p> <p>3 the county ordinance?</p> <p>4 A. Correct.</p> <p>5 Q. So how did you come to have that</p> <p>6 understanding?</p> <p>7 A. It was policy.</p> <p>8 Q. Sorry. Could you repeat that? You</p> <p>9 got a little soft.</p> <p>10 A. It was policy. I'm sorry.</p> <p>11 Q. But how did you come to understand</p> <p>12 that that was the previous policy?</p> <p>13 A. It was mentioned. That's why we</p> <p>14 amended it. We talked about it in a meeting.</p> <p>15 Q. So let's turn for a minute to</p> <p>16 tab 44. This exhibit, which will be</p> <p>17 Exhibit 3 --</p> <p>18 (Exhibit 3 was marked for</p> <p>19 identification.)</p> <p>20 BY MR. RETHY:</p> <p>21 Q. This is a series of photographs,</p> <p>22 correct?</p> <p>23 A. Correct.</p> <p>24 Q. And do you recognize the location</p> <p>25 depicted on the first page?</p>
<p style="text-align: right;">Page 28</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. I do.</p> <p>3 Q. Could you identify that location?</p> <p>4 A. Courthouse square.</p> <p>5 Q. And if you turn to the third page,</p> <p>6 do you recognize the location that's depicted</p> <p>7 there?</p> <p>8 A. Are you talking about the third</p> <p>9 picture?</p> <p>10 Q. Correct. It says "B-3" on the</p> <p>11 bottom.</p> <p>12 A. Yes. That's the courthouse lawn.</p> <p>13 Q. And so you see that there's some</p> <p>14 benches set up there, right?</p> <p>15 A. Correct.</p> <p>16 Q. And so is it your understanding</p> <p>17 that prior to the permit change that we just</p> <p>18 discussed, that an individual would need to</p> <p>19 obtain a permit to sit on one of those benches?</p> <p>20 A. I don't know.</p> <p>21 Q. Well, you did say that before that</p> <p>22 permit change, a single person needed to have a</p> <p>23 permit to be on the courthouse grounds,</p> <p>24 correct?</p> <p>25 A. Correct. If they were protesting,</p>	<p style="text-align: right;">Page 29</p> <p>1 BRENT ALLEN LARSON</p> <p>2 correct. But sitting on a park bench and</p> <p>3 getting up and leaving, it was -- we never</p> <p>4 discussed that, but it -- technically, yes.</p> <p>5 They would need to have one.</p> <p>6 Q. So if you turn back for a second to</p> <p>7 the last one, to the document we just</p> <p>8 discussed, tab 10. So not the pictures</p> <p>9 anymore, but the policy amendment.</p> <p>10 A. Okay.</p> <p>11 Q. So this says -- so this is phrased</p> <p>12 in terms of allowing four people or less to use</p> <p>13 the historic courthouse outside grounds,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And it doesn't say anything</p> <p>17 specific about protesting, correct?</p> <p>18 A. Correct.</p> <p>19 Q. But that was -- the intent of the</p> <p>20 policy was to apply it only to protesting?</p> <p>21 A. No.</p> <p>22 Q. So what was the intent of the</p> <p>23 policy?</p> <p>24 A. Well, it's in the policy. What it</p> <p>25 says -- the intent of the policy was maintain</p>

Page 30

1 BRENT ALLEN LARSON

2 safety.

3 Q. Where does it say that?

4 A. The intent of the policy was -- are

5 you talking about the amended policy? Is this

6 the one we're looking at?

7 Q. Yeah.

8 A. The intent of the policy was, like

9 you said before, to relax the policy of how

10 many people could gather, any individual group.

11 Just the intent of it was -- I mean, it's in

12 the policy, what it says there.

13 Q. So if you could turn back to the

14 pictures, tab 44.

15 A. Uh-huh.

16 Q. And go back to page 3, the picture

17 with the benches.

18 A. Uh-huh.

19 Q. So under this amended policy, if a

20 group of five people walked, you know, from the

21 square onto the courthouse grounds and sat on

22 the benches, would they need to have a permit?

23 A. We haven't discussed that.

24 Q. When you say "we" --

25 A. The board of supervisors. That

Page 32

1 BRENT ALLEN LARSON

2 A. Well, a social gathering, somebody

3 coming and leaving isn't a -- people are

4 allowed to come and walk across the courthouse

5 grounds. But -- and if they don't have a

6 permit and they're staying there, that's --

7 that would be different.

8 Q. So explain what you mean by

9 "staying there."

10 A. Well, if a group of five or more

11 wanted to express their political views and

12 they don't have a permit, they would have to go

13 get a permit or not be allowed to be there.

14 Q. So say a group of five people walks

15 from the square, sits on these benches, and

16 they're having a conversation. And then the

17 topic of the conversation turns to politics,

18 and they start arguing about politics. Has

19 their use of the square turned into something

20 impermissible at that point because they don't

21 have a permit?

22 A. No.

23 Q. And why is that?

24 A. Because that's a conversation

25 they're having, not a -- not an expression

Page 31

1 BRENT ALLEN LARSON

2 hasn't come up yet.

3 Q. So are you saying that you don't

4 know whether or not that use requires a permit?

5 A. That's right.

6 Q. If a group of five people came onto

7 the same space in order to promote a political

8 position, would they need a permit then?

9 A. A group of how many?

10 Q. Five.

11 A. Yes, they would.

12 Q. And how would you determine whether

13 or not something was a -- like, a political

14 gathering as opposed to a social gathering?

15 A. That would be determined by the

16 county administrator in the application

17 process.

18 Q. But so say a group of five people

19 comes onto the courthouse grounds, haven't

20 applied for a permit. It seems like you're

21 saying that if it's a social gathering, that

22 might be okay; if it's a political gathering,

23 it wouldn't be. Is that right?

24 A. No.

25 Q. Could you explain that?

Page 33

1 BRENT ALLEN LARSON

2 of -- it's just a conversation they're having.

3 You don't have to have a permit for a

4 conversation.

5 Q. So how do you distinguish between a

6 five-person permitted -- like, you know,

7 allowed conversation and a five-person

8 prohibited political expression or protest?

9 A. Well, if they --

10 MR. O'DONNELL: Object.

11 Object to form. You can answer.

12 A. If they -- repeat your question,

13 please.

14 Q. So you can have -- five people --

15 you said, in substance, five people can come

16 onto the courthouse grounds and have a

17 political conversation but that five people

18 can't come onto the courthouse grounds to

19 engage in political expression or something of

20 that nature, drawing a distinction between a

21 conversation and some other form of expressive

22 conduct that --

23 A. If they come and leave -- if

24 they're just having a conversation and they

25 come and leave, they would not need a permit.

Page 34

1 BRENT ALLEN LARSON

2 If they stayed to express any political or any

3 particular subject, they would need a permit

4 staying on the courthouse grounds. Walking

5 through or having a conversation, like I said,

6 does not require a permit.

7 Q. So what does the -- what does

8 "staying" mean?

9 A. You're asking me what "staying"

10 means?

11 Q. Yeah. It's the word you're using

12 to say, you know, what's the -- it's like the

13 dividing line between when you need a permit or

14 not. If you're "staying" on the courthouse

15 grounds, you need a permit.

16 A. If they continue to protest.

17 Q. So there's some element of time in

18 that?

19 A. Element of time is not in our

20 policy.

21 Q. So who decides whether something is

22 just a conversation or whether something is a

23 protest?

24 A. The county administrator decides on

25 the permit process.

Page 36

1 BRENT ALLEN LARSON

2 A. There's no one that makes the

3 decision what's a conversation or not. Just

4 enforce -- the facility use policy is enforced

5 by the sheriff's department, as I stated

6 before.

7 Q. Right. So what I'm getting at is,

8 that if you have -- going back to our example,

9 you have the five people on the courthouse

10 grounds. Someone from the sheriff's department

11 shows up. They know there's no permit. And so

12 they have the authority at that point to

13 enforce the facility use policy in some

14 fashion; is that correct?

15 A. Yes.

16 Q. I'm sorry. Could you repeat that?

17 A. Yes. Sorry.

18 Q. And enforcing the facility use

19 policy in that circumstance would involve

20 making a determination whether something was

21 just a conversation or whether it amounted to a

22 political protest; is that correct?

23 A. I don't know. I don't know their

24 policies, how they determine who stays or who

25 goes. That's something determined by the

Page 35

1 BRENT ALLEN LARSON

2 Q. Well, but I'm talking about no

3 permit has been applied for, just have five

4 people on the courthouse grounds. Who decides

5 at that point?

6 A. I don't know.

7 Q. So you don't know how this facility

8 use policy would be enforced?

9 A. The sheriff's department.

10 Q. So the sheriff's department would

11 decide?

12 A. Yes. They would decide -- they

13 would enforce the facility use permit -- or

14 policy, I guess you would say.

15 Q. So the sheriff's department

16 personnel would be tasked with deciding whether

17 a particular use of the courthouse grounds was

18 just a conversation or whether it amounted to a

19 political protest?

20 A. No.

21 Q. So, then, who would make that

22 decision?

23 A. What decision? If they're having a

24 conversation?

25 Q. Right.

Page 37

1 BRENT ALLEN LARSON

2 sheriff's department. We don't get involved in

3 that.

4 Q. But the sheriff's department is

5 applying the board's policies, right?

6 A. Right. We don't get involved in

7 the enforcement of the policy. We just set the

8 policy.

9 Q. So you don't have any sense of what

10 criteria the sheriff's department might use to

11 determine whether something is a political

12 protest or just a conversation?

13 A. Other than what's stated in the

14 policy, no.

15 Q. And the policy itself doesn't

16 differentiate between political protests and

17 conversations, correct?

18 A. No, it doesn't.

19 Q. Have you ever been on the county

20 courthouse grounds, yourself?

21 A. I have.

22 Q. Are you regularly on the county

23 courthouse grounds or more infrequently?

24 A. Infrequent.

25 Q. When is the last time you were on

<p style="text-align: right;">Page 38</p> <p>1 BRENT ALLEN LARSON</p> <p>2 the county courthouse grounds?</p> <p>3 A. I don't know.</p> <p>4 Q. Would it have been in the last</p> <p>5 month?</p> <p>6 A. I don't know. I don't know when</p> <p>7 the last time was.</p> <p>8 Q. Would it have been within the last</p> <p>9 year?</p> <p>10 A. I said I didn't know.</p> <p>11 Q. If you would turn to the next page</p> <p>12 of the pictures, B-4. Do you recognize the</p> <p>13 location depicted in this picture?</p> <p>14 A. Yes, I do.</p> <p>15 Q. What is that location?</p> <p>16 A. I believe you can classify that as</p> <p>17 the west side of the courthouse.</p> <p>18 Q. So this is a picture taken from</p> <p>19 within the county courthouse grounds looking</p> <p>20 out onto the square; is that fair?</p> <p>21 A. Yes. Yes.</p> <p>22 Q. And you see that there's a low</p> <p>23 fence, but there's an opening, right?</p> <p>24 A. Correct.</p> <p>25 Q. And there's no gates that block</p>	<p style="text-align: right;">Page 39</p> <p>1 BRENT ALLEN LARSON</p> <p>2 access to the county courthouse grounds,</p> <p>3 correct?</p> <p>4 A. Do what?</p> <p>5 Q. There are no gates that block</p> <p>6 access to the county courthouse grounds,</p> <p>7 correct?</p> <p>8 A. That's correct.</p> <p>9 Q. So I believe that you testified</p> <p>10 earlier that a reason behind the five-person</p> <p>11 rule, you know, permitting policy rule -- one</p> <p>12 reason, at least, related to avoiding blocking</p> <p>13 pedestrian traffic; is that correct?</p> <p>14 A. The sidewalk.</p> <p>15 Q. And can you explain what sidewalk</p> <p>16 you're referring to?</p> <p>17 A. The sidewalk on the outside of</p> <p>18 those gates and around the courthouse.</p> <p>19 Q. So if you turn to the 11th page,</p> <p>20 B-11, in this set of photographs.</p> <p>21 A. Okay.</p> <p>22 Q. Is this the sidewalk you're</p> <p>23 referring to?</p> <p>24 A. The sidewalk I'm referring to, yes,</p> <p>25 they cannot block those sidewalks. The one I'm</p>
<p style="text-align: right;">Page 40</p> <p>1 BRENT ALLEN LARSON</p> <p>2 referring to is in front of the statue on the</p> <p>3 side and, as well, in the back.</p> <p>4 Q. So turn to B-20. Do you recognize</p> <p>5 the location that's depicted here?</p> <p>6 A. I do.</p> <p>7 Q. What is that location?</p> <p>8 A. In front of the courthouse.</p> <p>9 Q. So would a gathering of five people</p> <p>10 in this area block any sidewalks?</p> <p>11 MR. O'DONNELL: Object to</p> <p>12 form. You can answer.</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know the reason why the --</p> <p>15 why five people was the threshold chosen for</p> <p>16 requiring a permit?</p> <p>17 A. Re-ask your question, please.</p> <p>18 Q. So this policy amendment we've been</p> <p>19 talking about it, it says a permit's required</p> <p>20 for gatherings of five people or more, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Do you know why the number five was</p> <p>23 chosen as opposed to any other number?</p> <p>24 A. Because only four people can</p> <p>25 actually stand around the statue or the</p>	<p style="text-align: right;">Page 41</p> <p>1 BRENT ALLEN LARSON</p> <p>2 monument without blocking the sidewalk, and it</p> <p>3 would become a safety issue because they would</p> <p>4 have to stand out in the street or on the side.</p> <p>5 Q. So who made the decision that four</p> <p>6 people was the maximum to stand around the</p> <p>7 statue without a permit?</p> <p>8 A. The county administrator.</p> <p>9 Q. But the policy --</p> <p>10 A. Can we break so I can get a bottle</p> <p>11 of water?</p> <p>12 MR. RETHY: Sure. Do you</p> <p>13 want to come back at 11:05 or</p> <p>14 11:10? Or, sorry, 10. I forgot</p> <p>15 we're in a different time zone.</p> <p>16 A. That's fine.</p> <p>17 THE VIDEOGRAPHER: The time</p> <p>18 is 10:01 a.m. Off the record.</p> <p>19 (Recess from 10:01 a.m. to</p> <p>20 10:12 a.m.)</p> <p>21 THE VIDEOGRAPHER: The time</p> <p>22 is 10:12 a.m. Back on the record.</p> <p>23 BY MR. RETHY:</p> <p>24 Q. So the next thing we'll be looking</p> <p>25 at, which will be Exhibit 4, this is your tab</p>

Page 42

1 BRENT ALLEN LARSON

2 41.

3 (Exhibit 4 was marked for

4 identification.)

5 BY MR. RETHY:

6 Q. So this is also a photograph,

7 correct?

8 A. Do what?

9 Q. This document, this is also a

10 photograph, correct?

11 A. Yes.

12 Q. And do you recognize the location?

13 A. Yes, I do.

14 Q. What is the location?

15 A. The front of the courthouse.

16 Q. And is that the Confederate

17 monument we've been referring to in the

18 foreground?

19 A. It is.

20 Q. And there's a sort of a sidewalk

21 area around the monument itself, correct?

22 A. Correct.

23 Q. Is that the sidewalk area that you

24 were referring to with regard to the

25 five-person rule?

Page 44

1 BRENT ALLEN LARSON

2 four?

3 A. Correct.

4 Q. And so if there is a group of

5 people protesting or, say, two people position

6 themselves on each side of the courthouse, so

7 for a total of eight people, that would be a

8 use that would require a permit, because the

9 two -- because that would block the sidewalk?

10 A. Rephrase your question. I didn't

11 understand that.

12 Q. So you're saying that the

13 justification for the five-person rule is that

14 the presence of five people or more on any part

15 of the sidewalk surrounding the courthouse

16 blocks pedestrian traffic?

17 MR. O'DONNELL: Object to the

18 form. You can answer.

19 A. You're asking me to speculate if

20 five or more blocks traffic; is that correct?

21 Q. I'm asking you to explain whether

22 that's your understanding of the basis for this

23 policy.

24 A. If what's my understanding?

25 Q. That the --

Page 43

1 BRENT ALLEN LARSON

2 A. It's part of it. What I was

3 referring to is the sidewalk around the

4 courthouse. That part, as well.

5 Q. But you had said that the county

6 administrator had determined that five people

7 was the -- was the right number at which point

8 to require permits with reference to the

9 sidewalk, so in the immediately vicinity of the

10 Confederate monument. Is that correct, or did

11 I misunderstand that testimony?

12 A. No. That's correct. The county

13 administrator did determine that on her own

14 determination.

15 Q. And so that was -- that

16 determination was made with respect

17 specifically to this sidewalk area in the

18 immediate vicinity of the Confederate monument?

19 A. Well, it's the whole sidewalk

20 around the courthouse, the whole thing. You

21 cannot block the sidewalk.

22 Q. So if there were -- so the

23 courthouse has, I guess, four sides, correct?

24 A. Yes.

25 Q. And the sidewalk goes around all

Page 45

1 BRENT ALLEN LARSON

2 A. Once again, I'm not understanding

3 your question.

4 Q. So what I'm trying to get at is,

5 you said something -- and let me know if I

6 misunderstood this --

7 A. Okay.

8 Q. -- to the effect that the county

9 administrator made a decision that five people

10 or more needed a permit based on the space

11 immediately surrounding the Confederate

12 monument. So that was my understanding of your

13 first testimony on this point. Is that

14 correct?

15 A. Well, you can't -- I mean, you

16 can't stand still with five or more on any part

17 of the courthouse grounds.

18 Q. And so that's what I'm trying to

19 understand, then, is that if you were a group

20 of eight people who wanted to have a protest

21 where two people stood on each side of the

22 courthouse, would you need a permit for that?

23 A. So you're saying two people on each

24 side? Two, four, six, eight?

25 Q. Yeah.

Page 46

1 BRENT ALLEN LARSON

2 A. Then -- I'm -- you're asking me to

3 speculate. No. If it's just two or more in

4 one spot.

5 Q. So how would you -- how would you

6 define what's one spot? Like, how spread out

7 does it have to be to no longer constitute one

8 spot?

9 A. Well, it's pretty easy. One spot

10 where five or more gather, you've got to have a

11 permit. The number one -- I mean, one spot --

12 if there are five or more -- if there are 20

13 people gathered, five on each side, then you've

14 got to have a permit.

15 Q. So let's go back to tab 44. It's

16 the series of photographs. Go back to B-20 on

17 this.

18 A. B what?

19 Q. 20.

20 A. Okay.

21 Q. And so this shows a series of

22 benches on one side of the county courthouse

23 grounds, right?

24 A. Yes.

25 Q. And you can see at least four

Page 48

1 BRENT ALLEN LARSON

2 (Simultaneous speakers.)

3 A. It's up to the sheriff's department

4 to enforce.

5 Q. And you don't know the criteria

6 that they might use to make that decision

7 whether or not to enforce?

8 A. I do not.

9 Q. Are you aware of any instances in

10 which the -- in which the sheriff's department

11 has enforced the facility use policy?

12 A. I don't know.

13 Q. Are you aware of any instances in

14 which the county administrator has denied a

15 permit application?

16 A. I don't know.

17 Q. Do you have an understanding of

18 what this current lawsuit is about?

19 A. Yes.

20 Q. What's that understanding?

21 A. I think Mr. Rash was wanting to

22 have an event, and he was -- he was denied on

23 that one, yes.

24 Q. So you recall at least that permit

25 having been denied?

Page 47

1 BRENT ALLEN LARSON

2 benches in the picture; is that fair?

3 A. Yes.

4 Q. And so if you organized a protest

5 that involved -- three people sit on each of

6 these four benches, would that be a protest in

7 one spot that would then require a permit?

8 A. You're asking me to speculate on a

9 certain situation. You know, the board of

10 supervisors don't enforce, so I don't know.

11 You're asking for speculation. Each case is

12 different. I don't know. We haven't addressed

13 that part, anyway.

14 Q. And that's -- so you're saying that

15 that's a decision for the sheriff to make?

16 A. What? What decision are you asking

17 about?

18 Q. Whether -- whether a protest of the

19 type that I just described would be one that

20 would require a permit or not.

21 A. No. It's not up to the sheriff.

22 It's up to the county administrator.

23 Q. Well, what if the protest is held

24 without a permit? Then it's the -- for the

25 sheriff to decide whether the protest --

Page 49

1 BRENT ALLEN LARSON

2 A. That's right. That is correct.

3 Q. Were you involved in the decision

4 to deny that permit?

5 A. No.

6 Q. Does the board of supervisors ever

7 get involved in individual permit applications?

8 A. No. Unless there's an appeal.

9 Q. Has there ever been an appeal?

10 A. No.

11 Q. Has the policy always provided for

12 an appeal?

13 A. I don't know.

14 Q. So let's look at tab 31. This will

15 be Exhibit 5.

16 (Exhibit 5 was marked for

17 identification.)

18 BY MR. RETHY:

19 Q. So this is a document titled,

20 Order: Approve Revision of Facilities Use

21 Policy to Include a Requirement of Application

22 To Be Made 14 Days Prior to Date of Proposed

23 Use and Requiring Closure of Courthouse Grounds

24 30 Minutes Before Dusk, correct?

25 A. Right.

<p style="text-align: right;">Page 50</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. And if you -- are you familiar with</p> <p>3 this document?</p> <p>4 A. I've never seen it before until</p> <p>5 now.</p> <p>6 Q. So this document reflects the board</p> <p>7 of supervisors having voted on a motion,</p> <p>8 correct?</p> <p>9 A. Right.</p> <p>10 Q. And this shows that you were</p> <p>11 absent, correct?</p> <p>12 A. Right.</p> <p>13 Q. Do you recall why you were absent?</p> <p>14 A. I was on vacation.</p> <p>15 Q. Did you know prior to looking at</p> <p>16 this document just now that there came to be an</p> <p>17 amendment to the facilities use policy that</p> <p>18 involved closure of courthouse grounds 30</p> <p>19 minutes before dusk?</p> <p>20 A. Rephrase your question, please.</p> <p>21 Q. Were you -- are you familiar with</p> <p>22 the requirement that the courthouse grounds be</p> <p>23 closed 30 minutes before dusk?</p> <p>24 A. Am I familiar with it? Yes.</p> <p>25 Q. And when did you first become aware</p>	<p style="text-align: right;">Page 51</p> <p>1 BRENT ALLEN LARSON</p> <p>2 of that requirement?</p> <p>3 A. I don't know.</p> <p>4 Q. Was it over the summer?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall how you learned of</p> <p>7 this requirement?</p> <p>8 A. I don't.</p> <p>9 Q. Do you support that requirement?</p> <p>10 A. I do.</p> <p>11 Q. And could you explain why?</p> <p>12 A. Because -- because it pulls it all</p> <p>13 together, and with the 14 days prior, it gives</p> <p>14 the sheriff and the county administrator time</p> <p>15 to decide whether or not -- that it's not going</p> <p>16 to involve safety issues and whether the</p> <p>17 sheriff's department has enough personnel to</p> <p>18 work a facilities use permit.</p> <p>19 Q. So what about, specifically, the</p> <p>20 closure 30 minutes before dusk? Do you support</p> <p>21 that?</p> <p>22 A. I do.</p> <p>23 Q. And can you explain why?</p> <p>24 A. Because, as defined -- I believe</p> <p>25 "dusk" defines when there's no more glow to the</p>
<p style="text-align: right;">Page 52</p> <p>1 BRENT ALLEN LARSON</p> <p>2 sun and you start running into the possibility</p> <p>3 of safety concerns. The square is busy at</p> <p>4 night. There's a lot of traffic around the</p> <p>5 courthouse, and there's also an issue whether</p> <p>6 the sheriff's department has enough personnel</p> <p>7 to police the situation. With -- since there's</p> <p>8 640 -- approximately 640 square miles to the</p> <p>9 county, it makes it hard on the sheriff's</p> <p>10 department, as well.</p> <p>11 Q. So the sheriff's department has</p> <p>12 less resources starting at 30 minutes before</p> <p>13 dusk?</p> <p>14 A. I don't know how many resources,</p> <p>15 but it puts them thin. I mean, it puts a</p> <p>16 stress on their department. I don't know how</p> <p>17 many resources they have or don't have.</p> <p>18 Q. You're saying there's a particular</p> <p>19 extra stress that starts 30 minutes before</p> <p>20 dusk?</p> <p>21 A. Do what? You're asking me?</p> <p>22 Q. Yeah.</p> <p>23 A. I just said it puts a stress on</p> <p>24 the -- whether or not the sheriff's department</p> <p>25 has enough personnel to cover -- cover whatever</p>	<p style="text-align: right;">Page 53</p> <p>1 BRENT ALLEN LARSON</p> <p>2 it might be, whatever event that might be</p> <p>3 taking place.</p> <p>4 Q. Right. And I'm trying to</p> <p>5 understand whether that stress is different</p> <p>6 during the day versus starting 30 minutes</p> <p>7 before dusk.</p> <p>8 A. Yeah. There's a -- there's a lot</p> <p>9 more people on the square, a lot more activity</p> <p>10 going on, a lot more traffic.</p> <p>11 Q. There's a lot more of that during</p> <p>12 the day or during the night?</p> <p>13 A. I would say -- I'm speculating --</p> <p>14 during the night.</p> <p>15 Q. So the actual time that is 30</p> <p>16 minutes before dusk, that varies based on the</p> <p>17 time of the year, correct?</p> <p>18 A. Yeah. That's correct.</p> <p>19 Q. And during the -- you know, during</p> <p>20 the winter, 30 minutes before dusk could be</p> <p>21 before 5:00 p.m., correct?</p> <p>22 A. No.</p> <p>23 Q. Why not?</p> <p>24 A. Why not what?</p> <p>25 Q. Well, I'm asking to you explain</p>

Page 54

1 BRENT ALLEN LARSON
 2 your denial that 30 minutes before dusk could
 3 be before 5:00 p.m.
 4 A. Well, you're asking me to --
 5 rephrase that question one more time, if you
 6 would.
 7 Q. So do you know what time dusk is
 8 today?
 9 A. No.
 10 Q. How would you go about learning
 11 what time dusk is?
 12 A. When there's no more glow from the
 13 sunlight, the sun.
 14 Q. So is that something that you
 15 can -- is it possible to determine when dusk is
 16 other than through observation at the
 17 particular time?
 18 A. I don't know. I don't know if you
 19 can determine when dusk is by a particular
 20 time.
 21 Q. Could -- when -- so if it's defined
 22 in terms of glow, could it be earlier if it's
 23 cloudy?
 24 A. I don't know. I mean, you're
 25 asking me to speculate on specific -- I don't

Page 56

1 BRENT ALLEN LARSON
 2 Q. Well, does that manifest in the
 3 physical world in any way?
 4 MR. O'DONNELL: I object to
 5 the form.
 6 A. Rephrase your question.
 7 Q. So I'm trying to understand what
 8 you mean by "closed." It's not self-evident to
 9 me what that means. I mean, is there a gate
 10 that closes?
 11 A. No. No one is allowed on the
 12 courthouse grounds.
 13 Q. So -- and how is -- how are -- how
 14 is that conveyed to the public?
 15 A. In the policy.
 16 Q. So if someone walks onto the
 17 courthouse grounds 30 minutes before dusk --
 18 and so this is a time when it's still -- you
 19 know, it's still somewhat light, right, because
 20 dusk hasn't yet occurred, won't occur 30
 21 minutes more, then they're in violation of the
 22 policy?
 23 A. I would say so, but, I mean, we
 24 haven't really -- yeah.
 25 Q. And that will be the case even if

Page 55

1 BRENT ALLEN LARSON
 2 know. You'll have to ask me when it's cloudy
 3 one night. I don't know.
 4 Q. I'm trying to get a sense of how
 5 this policy can be applied, given that it's
 6 framed in terms of, you know, dusk, which is
 7 a -- you know, it varies under a variety of
 8 conditions and it's hard to determine. You're
 9 saying that you're unable to determine it
 10 yourself.
 11 MR. O'DONNELL: Object to
 12 form. You can answer.
 13 A. As I said before, dusk is when
 14 there's no more glow from the sun.
 15 Q. And so the policy -- so this policy
 16 says that it requires closure of the courthouse
 17 grounds 30 minutes before dusk, correct?
 18 A. That's correct.
 19 Q. What does "closure" mean?
 20 A. That the courthouse grounds will be
 21 closed 30 minutes before dusk.
 22 Q. What does that mean in practice,
 23 that they're closed?
 24 A. It's closed. I mean, you know,
 25 it's closed. It's pretty simple.

Page 57

1 BRENT ALLEN LARSON
 2 the court -- the court itself was still open
 3 for business at that time?
 4 A. No. The court -- no. That's
 5 not . . .
 6 Q. So it's your testimony that dusk
 7 always is 30 minutes after 5:00 p.m., at
 8 earliest?
 9 A. No. You're asking "dusk," what the
 10 meaning of "dusk" is; is that right?
 11 Q. Yeah.
 12 A. Okay. The meaning of "dusk" is --
 13 I guess this might be the fourth time -- when
 14 there's no glow left in the sunlight -- in the
 15 sun.
 16 Q. And you're saying that there's
 17 always glow left in the sky from sunlight as of
 18 5:30 p.m.?
 19 A. I told you before I didn't know. I
 20 mean, I don't know the time. It's pretty
 21 standard when -- 30 minutes before dusk.
 22 Whenever dusk happens, 30 minutes before that.
 23 Q. What do you mean by "it's pretty
 24 standard"?
 25 A. My answer.

Page 58

1 BRENT ALLEN LARSON

2 Q. Right. But what do you mean by

3 that answer?

4 A. That it's pretty obvious when

5 there's no more glow to the sun.

6 Q. And you're saying that it's also --

7 it's, therefore, pretty obvious when 30 minutes

8 before that time is?

9 A. No. I'm saying when -- dusk is

10 when there's no more glow to the sun -- from

11 the sun.

12 Q. You're saying that in order to

13 comply with this part of the policy, someone

14 has to predict when the glow will disappear

15 from the sky and then count back 30 minutes; is

16 that correct?

17 A. You're speculating there.

18 Q. I don't believe I am.

19 A. Can I get you -- so rephrase your

20 question again. I'll try to give you the same

21 answer.

22 Q. So say it's winter; it's 5:15 p.m.

23 A. And the days are shorter.

24 Q. Right.

25 A. Right.

Page 60

1 BRENT ALLEN LARSON

2 Q. So can you -- do you know today

3 when 30 minutes before dusk is?

4 A. No.

5 Q. Will you know that 30 minutes

6 before dusk?

7 A. If I was obtaining a permit, I

8 would find out.

9 Q. And how would you do that?

10 A. You would go check the sunset. I

11 mean, I guess you would check when the sunset

12 is. I don't know when you would find out. I

13 guess that's why I'm not applying for a permit.

14 Q. But this doesn't just apply to

15 permits, right? This involves complete closure

16 of the grounds, right?

17 A. Right.

18 Q. So a single person who's on the

19 courthouse grounds could end up violating this

20 policy if they happen to miscalculate when 30

21 minutes before dusk is; is that right?

22 A. A single person?

23 Q. Yeah.

24 A. No.

25 Q. Why not?

Page 59

1 BRENT ALLEN LARSON

2 Q. So someone will come into being in

3 violation of this policy as of 30 minutes

4 before dusk, right?

5 A. The policy -- it's in the policy

6 what -- the way it reads. You know, you want

7 to check the policy. It's in there. It

8 explains it.

9 Q. So I'm trying to understand how a

10 person of ordinary intelligence can comport

11 themselves in order to comply with this policy.

12 And that's what my questions are focused on.

13 And you might -- it seems like your position is

14 that it's perfectly clear when 30 minutes

15 before dusk is on any particular day. But I

16 guess I don't share that belief or

17 understanding. And so if you believe that

18 that's perfectly clear just from the policy

19 stating "30 minutes before dusk," I just would

20 appreciate understanding that position better.

21 MR. O'DONNELL: Object to the

22 form. It's also not in the form of

23 a question.

24 A. Rephrase your question, if you

25 don't mind.

Page 61

1 BRENT ALLEN LARSON

2 A. Because you just said "a single

3 person."

4 Q. So this policy doesn't apply to a

5 single person?

6 A. No, it does. Let me backtrack. I

7 was talking about the permit process. Rephrase

8 your question one more time. I got off track.

9 Please.

10 Q. I wish I had ordered real time for

11 this one.

12 MR. O'DONNELL: What?

13 MR. RETHY: So, Court

14 Reporter, could you read back the

15 last question?

16 (The court reporter read the

17 requested portion.)

18 A. The courthouse grounds are closed

19 30 minutes before dusk to anyone.

20 Q. Right. So an individual person

21 could come into the violation of this policy if

22 they miscalculated when 30 minutes before dusk

23 happened to be?

24 A. Yes.

25 Q. And the only way a person would

Page 62

1 BRENT ALLEN LARSON

2 know that they needed to try to calculate 30

3 minutes before dusk is if they happened to look

4 at this particular document in the board of

5 supervisors' minutes; is that correct?

6 A. Yes. That's right.

7 Q. Do you think that it's widely known

8 in the community that this policy exists?

9 A. Yes.

10 Q. And how did the community gain that

11 knowledge?

12 A. Because anybody that's ever applied

13 for a permit has to follow the guidelines, and

14 people know we have guidelines.

15 Q. But other than --

16 A. Word of mouth.

17 Q. Are you just speculating as to word

18 of mouth, or do you have actual knowledge of

19 specific conversations?

20 A. I do not have specific knowledge of

21 a conversation.

22 Q. Are you aware of this policy ever

23 having been enforced?

24 A. Am I aware of what, now?

25 Q. This 30-minutes-before-dusk closure

Page 64

1 BRENT ALLEN LARSON

2 Q. So the sidewalk area that's around

3 the statue, is that part of the Confederate

4 statue area?

5 A. It's part of the courthouse

6 grounds.

7 Q. The policy specifically mentions

8 the Confederate statue area too, right?

9 A. Repeat your question.

10 Q. The policy mentions both the

11 courthouse grounds and the Confederate statue

12 area, right?

13 A. Yes.

14 Q. So is the -- is the sidewalk right

15 around the Confederate statue part of the

16 Confederate statue area?

17 A. I don't know. I mean, it -- the

18 sidewalk beside it is part of the Confederate

19 monument.

20 Q. Walking on that sidewalk after 30

21 minutes before dusk is a violation?

22 A. Yes. That's part of the courthouse

23 grounds.

24 Q. And if you turn back to the

25 composite photographs at tab 44, if you go to

Page 63

1 BRENT ALLEN LARSON

2 policy ever having been enforced.

3 A. I don't know.

4 Q. Does the sheriff's department have

5 discretion on whether or not to enforce it?

6 A. No.

7 Q. So the sheriff's department has to

8 enforce it under all circumstances?

9 A. Yes.

10 Q. So anytime any person is on the

11 courthouse grounds after 30 minutes before

12 dusk, it's your position that the sheriff's

13 department is obligated to take some sort of

14 enforcement action against that person?

15 A. Yeah. That's correct.

16 Q. So this is courthouse grounds,

17 including the Confederate statue area, correct?

18 A. Yes.

19 Q. So let's turn back to the tab 41,

20 which is the photo of the statue.

21 So what is the Confederate statue

22 area?

23 A. The area surrounding the statue.

24 Q. And how far does that area extend?

25 A. I don't know exactly.

Page 65

1 BRENT ALLEN LARSON

2 B-2.

3 Is walking on this sidewalk after

4 30 minutes before dusk a violation?

5 A. That's part of the courthouse

6 grounds, yes.

7 Q. So is walking on that part of the

8 sidewalk a violation 30 minutes before dusk?

9 A. Walking?

10 Q. Yes.

11 A. I don't know.

12 Q. So is walking potentially not a

13 violation, whereas standing is?

14 A. No.

15 Q. So is this sidewalk part of the

16 courthouse grounds?

17 A. This sidewalk is part of the

18 courthouse grounds.

19 Q. And so the policy provides that

20 this sidewalk is closed 30 minutes before dusk,

21 correct?

22 A. I don't know.

23 Q. So how would you -- how would you

24 go about figuring out whether the sidewalk was

25 closed or not?

Page 66

1 BRENT ALLEN LARSON

2 A. That would -- that would be

3 enforced by the sheriff's department.

4 Q. But by the literal terms of the

5 policy, the sidewalk would be closed?

6 A. I don't know.

7 Q. But it is part of the courthouse

8 grounds?

9 A. Yes.

10 Q. And the policy does say it requires

11 closure of the courthouse grounds, right?

12 A. No.

13 Q. And there's no exception for

14 sidewalks?

15 A. I don't know about the sidewalk. I

16 don't know.

17 Q. You're saying there might be an

18 unwritten exception?

19 A. No. That's not what I'm saying. I

20 just said I don't know.

21 Q. So does the board of supervisors

22 have responsibility for the sheriff's

23 department's budget?

24 A. For the budget, yes.

25 Q. And has the sheriff ever asked for

Page 68

1 BRENT ALLEN LARSON

2 budget.

3 Q. Has the sheriff, to your knowledge,

4 ever mentioned a need for additional funding?

5 A. Yes.

6 Q. Could you describe that?

7 A. For repairs of the jail, for

8 expansion of the sheriff's office.

9 Q. So I'm going to turn to tab 9.

10 This is now Exhibit 6.

11 (Exhibit 6 was marked for

12 identification.)

13 BY MR. RETHY:

14 Q. So this is an email titled, Statue,

15 and sent by someone named Janice Antonow,

16 correct?

17 A. Yes.

18 Q. And did you receive this email?

19 A. Yes.

20 Q. Do you recall receiving this email?

21 A. No.

22 Q. Do you know who Janice Antonow is?

23 A. I do.

24 Q. Who is she?

25 A. She is a alderman for the City of

Page 67

1 BRENT ALLEN LARSON

2 additional funding to deal with issues related

3 to the county courthouse grounds?

4 A. Not that I'm aware of.

5 Q. And is it your view that the

6 sheriff's department is underfunded?

7 A. I don't know. That's a question

8 for the sheriff, not me.

9 Q. Well, what role do you play in

10 the -- in setting the sheriff's budget?

11 A. Setting the budget.

12 Q. But what do you consider when

13 determining how to set the budget?

14 A. How do we set the budget? We

15 approve it or not. He comes to us with a

16 budget, and we either approve it or not.

17 Q. And how do you determine whether to

18 approve it or not?

19 A. We look at every line item and see

20 if it's needed.

21 Q. And can you disapprove specific

22 line items?

23 A. Yes.

24 Q. And have you done that?

25 A. No. I've only been through one

Page 69

1 BRENT ALLEN LARSON

2 Oxford.

3 Q. I'm sorry. Could you repeat that?

4 A. She is a alderman for the City of

5 Oxford.

6 Q. Is she a constituent of yours?

7 A. No.

8 Q. Does your district cover the City

9 of Oxford?

10 A. Part of it.

11 Q. But you know that it's not the part

12 where this individual resides?

13 A. I don't believe so. I don't

14 believe it is, unless she's moved.

15 Q. If you look at the second paragraph

16 of this email, it says, One of the issues that

17 citizens have brought to me involves the

18 Confederate statue in front of the courthouse.

19 When asked, I let them know that it's the

20 property of Lafayette County, not the City of

21 Oxford. I also tell them that because it is

22 hurtful to so many of our citizens, black and

23 white, I would like it gone.

24 So when you received this email,

25 would you have read it?

<p style="text-align: right;">Page 70</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. Yes.</p> <p>3 Q. And would you have taken this email</p> <p>4 into consideration when deciding whether or not</p> <p>5 to vote for moving the statue?</p> <p>6 A. I would have taken it into</p> <p>7 consideration, yes. But if a person is not in</p> <p>8 my district -- I rely more on people that are</p> <p>9 in my district than outside of my district,</p> <p>10 because I represent the citizens of district 1.</p> <p>11 Q. So when you get an email from a</p> <p>12 member of the public, would you be able to</p> <p>13 determine from the -- you know, from the name</p> <p>14 of the author whether they were a constituent</p> <p>15 of yours or not?</p> <p>16 A. Most of the time. I might look it</p> <p>17 up.</p> <p>18 Q. Is that because you know most of</p> <p>19 these people personally?</p> <p>20 A. Yeah, most -- are you talking about</p> <p>21 in district 1?</p> <p>22 Q. But I'm talking about in general,</p> <p>23 you know, to know whether or not someone is in</p> <p>24 district 1?</p> <p>25 A. I know -- I know a lot of the</p>	<p style="text-align: right;">Page 71</p> <p>1 BRENT ALLEN LARSON</p> <p>2 people here.</p> <p>3 Q. Do you agree that the Confederate</p> <p>4 monument is hurtful to many of the citizens of</p> <p>5 the county?</p> <p>6 A. They say it is. I can only go by</p> <p>7 what they say.</p> <p>8 Q. If you look at the next paragraph,</p> <p>9 it says, Besides being offensive to many</p> <p>10 citizens, the statue in its present location</p> <p>11 will always serve as a magnet for protests, pro</p> <p>12 or con, and will continue to strain our</p> <p>13 resources that could be better used for more</p> <p>14 positive events.</p> <p>15 So do you agree that the statue is</p> <p>16 a magnet for protests?</p> <p>17 A. That's -- no, not necessarily. I</p> <p>18 wouldn't call it a magnet. It might be a place</p> <p>19 for protest.</p> <p>20 Q. Do you agree that the statue being</p> <p>21 kept in its present location strains resources?</p> <p>22 A. I don't know. I'm sure -- I'm sure</p> <p>23 it does, though, you know, when law enforcement</p> <p>24 has to -- extra law enforcement might have to</p> <p>25 be called in, you know. I don't know if you</p>
<p style="text-align: right;">Page 72</p> <p>1 BRENT ALLEN LARSON</p> <p>2 can call it a strain, but more resources, more</p> <p>3 money, has to be spent during a protest. More</p> <p>4 personnel, more money.</p> <p>5 Q. Did you consider those impacts when</p> <p>6 deciding how to vote on keeping or moving the</p> <p>7 statue?</p> <p>8 A. Say that again.</p> <p>9 Q. Did you consider that resource</p> <p>10 strain when deciding how to vote on keeping or</p> <p>11 moving the statue?</p> <p>12 A. No.</p> <p>13 Q. Why not?</p> <p>14 A. I don't know. I just didn't.</p> <p>15 Q. So if you could turn to tab 13,</p> <p>16 Exhibit 7.</p> <p>17 (Exhibit 7 was marked for</p> <p>18 identification.)</p> <p>19 MR. O'DONNELL: Is there a</p> <p>20 question, Isaac?</p> <p>21 MR. RETHY: Not yet. I'm</p> <p>22 just waiting for the document to</p> <p>23 load.</p> <p>24 BY MR. RETHY:</p> <p>25 Q. This is an email from Ann Conerly</p>	<p style="text-align: right;">Page 73</p> <p>1 BRENT ALLEN LARSON</p> <p>2 titled, Confederate Statue, correct?</p> <p>3 A. Is it on the back, I'm assuming?</p> <p>4 Q. Yeah.</p> <p>5 A. No.</p> <p>6 MR. O'DONNELL: Tab 30?</p> <p>7 MR. RETHY: 13.</p> <p>8 A. No. That's from April Hughes?</p> <p>9 Oh, Ann Conerly.</p> <p>10 Q. Sorry. You're correct. It's from</p> <p>11 April Hughes. The header says, Ann Conerly,</p> <p>12 for whatever reason.</p> <p>13 Do you know who Ann Conerly is?</p> <p>14 A. No.</p> <p>15 Q. Do you know who April Hughes is?</p> <p>16 A. No.</p> <p>17 Q. So do you know who Lindsey Hughes</p> <p>18 is, which is the --</p> <p>19 A. No.</p> <p>20 (Simultaneous speakers.)</p> <p>21 BY MR. RETHY:</p> <p>22 Q. Lindsey Hughes?</p> <p>23 A. No.</p> <p>24 Q. And is Taylor, Mississippi, within</p> <p>25 Lafayette County?</p>

Page 74

1 BRENT ALLEN LARSON

2 A. Yes.

3 Q. Is it in your district?

4 A. No.

5 Q. If you look at the third paragraph

6 of this email -- and I guess, just to start, if

7 you look at the header, you see this was sent

8 Monday, June 15, 2020? And do you see that

9 you're included as a recipient here, correct?

10 A. Right.

11 Q. And if you look at the third

12 paragraph, it says, I'm disappointed in the

13 actions of our sheriff this past week by

14 barricading public property so that people

15 could not peacefully protest there.

16 Do you know what the author is

17 referring to?

18 A. No.

19 Q. But do you have any recollection of

20 the Confederate statue having been barricaded

21 or blockaded in any way over the summer?

22 A. Yes.

23 Q. And what's your recollection of

24 that?

25 A. That it had been barricaded.

Page 76

1 BRENT ALLEN LARSON

2 Q. Do you know why it was requested?

3 A. No.

4 Q. The original email was sent by

5 someone named Catarina Passidomo, correct?

6 A. Yes.

7 Q. And is that person one of your

8 constituents?

9 A. I don't know.

10 Q. Do you know of this person at all?

11 A. No. I never heard of her.

12 Q. So you have no idea why she wrote

13 directly to you?

14 A. I don't know why, other than I'm a

15 supervisor.

16 Q. Did you respond to this email?

17 A. No. It doesn't look like it.

18 MR. RETHY: Can we take a

19 five-minute break?

20 MR. O'DONNELL: Yeah. That

21 would be fine.

22 THE VIDEOGRAPHER: The time

23 is 11:11 a.m. Off the record.

24 (Recess from 11:11 a.m. to

25 11:20 a.m.)

Page 75

1 BRENT ALLEN LARSON

2 Q. Do you recall approximately when?

3 A. I don't.

4 Q. And do you recall why it was

5 barricaded?

6 A. I believe it was to protect the

7 statue maybe. Pure speculation.

8 Q. So the sheriff made a decision to

9 barricade it?

10 A. Yes.

11 Q. Did the sheriff consult with the

12 board of supervisors on that?

13 A. No. We have no authority over the

14 sheriff except for setting the budget.

15 Q. Let's look at tab 27, Exhibit 8.

16 (Exhibit 8 was marked for

17 identification.)

18 BY MR. RETHY:

19 Q. So you see that this is an email

20 that you forwarded to Lisa Carwyle on

21 July 17th?

22 A. Yes.

23 Q. Do you recall why you forwarded

24 that email?

25 A. It was requested.

Page 77

1 BRENT ALLEN LARSON

2 THE VIDEOGRAPHER: The time

3 is 11:20 a.m. Back on the record.

4 BY MR. RETHY:

5 Q. If you could turn to tab 42. This

6 will be, I think, Exhibit 9.

7 (Exhibit 9 was marked for

8 identification.)

9 BY MR. RETHY:

10 Q. So this is also a photograph. And

11 it looks like it was taken from a Facebook post

12 or something of the sort; is that fair?

13 A. Yes.

14 Q. And could you describe what the

15 photograph is depicting?

16 A. The monument.

17 Q. And what else?

18 A. People gathered around it.

19 Q. And they have, like a football

20 goalpost with them, correct?

21 A. Correct.

22 Q. Do you recall this gathering?

23 A. I do not.

24 Q. So do you have an understanding of

25 the circumstances of this gathering?

Page 78

1 BRENT ALLEN LARSON

2 A. I'm just going to assume that we

3 won a football game.

4 Q. Would this be authorized under the

5 current policy?

6 A. No.

7 Q. If you turn to tab 43, Exhibit 10.

8 (Exhibit 10 was marked for

9 identification.)

10 BY MR. RETHY:

11 Q. And so this is another photograph,

12 correct?

13 A. Correct.

14 Q. And this shows the Confederate

15 monument with the projected words, "Take it

16 down" on it, correct?

17 A. Correct.

18 Q. And do you recall this projection

19 having been made at some point over the course

20 of the past year?

21 A. No.

22 Q. Do you have a view as to whether

23 this projection would violate the current

24 policy?

25 A. I guess it just depends on what

Page 80

1 BRENT ALLEN LARSON

2 thread. So this starts with an email from the

3 sheriff to the board of supervisors, correct?

4 A. Correct.

5 Q. And the subject of the email is

6 letters sent to various Oxford and University

7 of Mississippi officials regarding events that

8 took place on August 28th; is that fair?

9 A. Yes, it is.

10 Q. Now, the sheriff says that he would

11 imagine that each of you have had your share of

12 phone calls concerning those events and have

13 your own concerns about what took place on the

14 courthouse grounds.

15 Do you see that?

16 A. No. Where is that?

17 Q. It's in the sheriff's email,

18 just --

19 A. I got it. I'm with you.

20 Q. So is that correct? Did you have

21 phone calls regarding events on August 28,

22 2020?

23 A. I didn't.

24 Q. And what's your understanding of

25 what the sheriff is referring to in terms of

Page 79

1 BRENT ALLEN LARSON

2 time of day it is. It looks dark. Pure

3 speculation. It looks like it would be in

4 violation to me.

5 Q. Would it depend on where the images

6 were being projected from?

7 A. I don't know.

8 Q. For instance, if it was being

9 projected from some distance away, you know,

10 from city property?

11 A. I don't know.

12 Q. If you could turn to tab 34.

13 (Exhibit 11 was marked for

14 identification.)

15 (Exhibit 12 was marked for

16 identification.)

17 BY MR. RETHY:

18 Q. And this is a composite document.

19 I think there should be something like a blue

20 sheet separating an email and then some

21 letters; is that correct?

22 A. Yes. That's correct.

23 Q. And so this will be Exhibits 11 and

24 12.

25 So you see the email or the email

Page 81

1 BRENT ALLEN LARSON

2 those events?

3 A. The Ole Miss football team march.

4 Q. And did you have concerns about

5 that march?

6 A. I did.

7 Q. What was the nature of those

8 concerns?

9 A. Number one, it was unannounced.

10 There wasn't proper time for law enforcement to

11 prepare for it. There were people out in the

12 street once they got -- or, actually, they

13 marched from the university to the square and,

14 of course, took up road space, which is a

15 hazard in itself when it's unannounced. And

16 then when they got to the square, the monument,

17 they were out in the street, as well. So

18 there's a safety issue all the way through.

19 Q. The streets of the Oxford town

20 square -- so the streets that surround the

21 courthouse grounds -- are those city or county

22 jurisdiction?

23 A. City.

24 Q. And so what role does the county

25 play with respect to traffic-safety issues

Page 82

1 BRENT ALLEN LARSON

2 related to those streets?

3 A. Technically, none, but the -- they

4 can assist on a unannounced venue like this.

5 Now, whether they did or not, I don't know.

6 Q. But traffic-safety issues are

7 the -- on those streets are primarily the

8 responsibility of the City of Oxford, correct?

9 A. Correct.

10 Q. And so beyond -- so did you have

11 concerns regarding this march beyond traffic

12 safety concerns?

13 A. Yes.

14 Q. And what were those concerns,

15 specifically?

16 A. There was a nonpermitted march in

17 violation of the permit -- of a permit, if it

18 was issued. There was violations of our policy

19 and no permit was achieved.

20 Q. So your concerns were that the

21 required procedures weren't followed?

22 A. Correct.

23 Q. And so you responded to the

24 sheriff's email, correct?

25 A. Yes.

Page 84

1 BRENT ALLEN LARSON

2 was nothing taking a toll on you personally?

3 A. Right.

4 Q. So do you have a sense of what

5 Mr. Rikard meant when he wrote that?

6 A. Do what, now?

7 Q. Do you have a sense of what

8 Mr. Rikard meant in sending that email?

9 A. No, I don't know. I don't know

10 who -- other than taking a toll on the law

11 enforcement of having to take extra time to --

12 to do their job on the statue -- on the

13 monument.

14 Q. So if you turn to the letters

15 behind the slip sheet.

16 A. Do what, now?

17 Q. So behind the email, there's some

18 letters, right -- just moving on to the

19 letters. And first, there's a letter to Mayor

20 Tannehill, correct?

21 A. Correct.

22 Q. And did you review this letter

23 prior to today?

24 A. Yeah. I've scanned through it.

25 Q. And so you reviewed it -- when the

Page 83

1 BRENT ALLEN LARSON

2 Q. And you said, That's excellent,

3 Joey. I appreciate you taking the facts

4 directly to all parties involved. We stand

5 with you all the way.

6 And what did you mean saying,

7 taking the facts directly to all parties

8 involved?

9 A. Taking the facts to the chancellor,

10 the athletic director, and the mayor of the

11 City of Oxford.

12 Q. And what purpose did you believe

13 that served?

14 A. What, now?

15 Q. What purpose do you believe it

16 served to take those facts to those parties?

17 A. Because of the violation that

18 occurred.

19 Q. And so then David Rikard responds

20 and says, Thank you, Sheriff. I know this is

21 taking a toll on all of us.

22 Do you agree with that statement?

23 A. I don't know what he's referring to

24 there.

25 Q. So as far as you were aware, there

Page 85

1 BRENT ALLEN LARSON

2 sheriff sent this email, you also reviewed the

3 attachments to these?

4 A. Yes. Yeah.

5 Q. And you see in the second

6 paragraph, the sheriff writes, It's very

7 concerning that the City of Oxford's mayor

8 would not notify anyone with the Oxford Police

9 Department, much less anyone at the Lafayette

10 County Sheriff's Department that approximately

11 120 emotionally charged grown men would be

12 marching and protesting upon City of Oxford

13 streets and on the Lafayette County Courthouse

14 grounds.

15 Do you see that?

16 A. I do.

17 Q. And do you agree that -- with the

18 sheriff that that's concerning?

19 A. Absolutely.

20 Q. And could you explain why?

21 A. Well, the facts speak for

22 themselves, that 120 emotionally charged grown

23 men were marching without any notice or -- any

24 notice whatsoever so the city and the county

25 law enforcement could prepare for it -- prepare

Page 86

1 BRENT ALLEN LARSON

2 correctly for it.

3 Q. And if you'll look at the next

4 page, this is a letter from Mayor Tannehill to

5 Sheriff East, correct?

6 A. Yes.

7 Q. Have you seen this letter before?

8 A. No.

9 Q. So do you have any sense of what

10 Mayor Tannehill might have meant in telling

11 Sheriff East that his information is simply not

12 correct?

13 A. I don't know what you mean.

14 Q. If you could turn to the next page.

15 And this is a letter from Sheriff East to the

16 University of Mississippi administrators,

17 correct?

18 A. That's correct.

19 Q. And have you seen this letter

20 before?

21 A. Yes.

22 Q. And you saw this letter before

23 because it was attached to Sheriff East's

24 email?

25 A. Correct.

Page 88

1 BRENT ALLEN LARSON

2 A. None. Concerns about what?

3 Q. Whether it's appropriate for law

4 enforcement to charge members of the public

5 directly for their time.

6 A. I had no concerns whatsoever.

7 Q. Are you aware of any other

8 instances in which the sheriff's department

9 charged members of the public directly for

10 officers' time?

11 A. No.

12 Q. Did this seem unusual to you?

13 A. No.

14 MR. RETHY: So, David, did

15 you see the email I sent you?

16 MR. O'DONNELL: I did. I

17 sent an email back. I'd be happy

18 to print them off, Isaac. Do you

19 want me to do that?

20 MR. RETHY: Yeah. If you

21 could, that would be great.

22 MR. O'DONNELL: Okay. Give

23 me a couple minutes.

24 MR. RETHY: Let's go off the

25 record very briefly while he's

Page 87

1 BRENT ALLEN LARSON

2 Q. And if you just go down to the --

3 this page 2 of this letter, second-to-last

4 paragraph, you see it says, The Lafayette

5 County Sheriff's Department is requesting that

6 the cost for all dedicated personnel hours for

7 both on-duty and off-duty (overtime) personnel

8 be paid by the University of Mississippi. (See

9 attached for hours.)

10 Correct?

11 A. Correct.

12 Q. Do you know under what

13 circumstances the sheriff is entitled to charge

14 members of the public directly for law

15 enforcement time?

16 A. I don't know.

17 Q. Do you know whether -- if the

18 sheriff's department makes such a request --

19 whether a member of the public is legally

20 obligated to comply with it?

21 A. I don't know.

22 Q. When you read this, did the fact

23 that the sheriff was seeking to charge the

24 university for the officers' time, did that

25 present any concerns to you?

Page 89

1 BRENT ALLEN LARSON

2 printing that.

3 THE VIDEOGRAPHER: The time

4 is 11:41 a.m. Off the record.

5 (Recess from 11:41 a.m. to

6 11:49 a.m.)

7 THE VIDEOGRAPHER: The time

8 is 11:49 a.m. Back on the record.

9 BY MR. RETHY:

10 Q. So I had two documents printed just

11 to get clarity as to what these are, you know,

12 because they're not, sort of, conventionally

13 produced documents.

14 The first document is titled,

15 Facility Use Policy Effective Date: July 20,

16 2020. And this was a document that was

17 produced by counsel for defendant by email

18 yesterday. It's in the form of a Word

19 document. And counsel for the defendant

20 represented that this was a, sort of, revision

21 of the policy that was adopted by the board at

22 its January 4, 2021 meeting.

23 MR. RETHY: David, do you

24 disagree with any of that?

25 MR. O'DONNELL: Well, it was

Page 90

1 BRENT ALLEN LARSON
2 a document that was approved based
3 on prior revisions, yes.
4 BY MR. RETHY:
5 Q. Okay. And then the second document
6 is a -- which I'm adding now -- is a redline
7 comparison that I ran between the document sent
8 by Mr. O'Donnell yesterday and the 2019 version
9 of the policy. And, you know, if there's
10 objections to using this document, let me know,
11 and we can just compare the -- you know, the
12 2019 and 2020 policies manually. I just
13 thought that this -- you know, this redline
14 comparison made it easier.
15 MR. O'DONNELL: That's fine.
16 I would have done that for you if I
17 had been asked. That's fine.
18 (Exhibit 13 was marked for
19 identification.)
20 (Exhibit 14 was marked for
21 identification.)
22 BY MR. RETHY:
23 Q. So back to you, Mr. Larson. So
24 regarding the document titled, Facility Use
25 Policy Effective Date: July 20, 2020, are you

Page 92

1 BRENT ALLEN LARSON
2 MR. O'DONNELL: I think the
3 witness is confused.
4 THE WITNESS: Do what?
5 MR. O'DONNELL: It's okay.
6 That's my commentary.
7 But I think what Isaac is
8 asking is, although the document
9 relates to revisions in July -- I
10 think, in July -- when was that
11 particular document in front of
12 you -- when was that drafted and
13 approved by the board?
14 THE WITNESS: July.
15 MR. O'DONNELL: Okay.
16 THE WITNESS: July the -- was
17 it July the 20th? Effective date.
18 MR. O'DONNELL: Isaac, I
19 don't want to interfere with your
20 exam.
21 MR. RETHY: I mean, so far,
22 that's where I'm trying to go.
23 But --
24 THE WITNESS: This one?
25 MR. O'DONNELL: Yeah. The --

Page 91

1 BRENT ALLEN LARSON
2 familiar with this document?
3 A. Yes. Yes.
4 Q. Sorry. Could you repeat that?
5 A. Yes.
6 Q. And when did you first encounter
7 this document?
8 A. I don't know.
9 Q. And is it fair to say that this is
10 a version of the facility use policy that was
11 adopted at the board's January 4, 2021,
12 meeting?
13 A. I don't remember.
14 Q. Do you recall the board considering
15 or taking any action with respect to this
16 document?
17 A. Yes.
18 Q. And what's the nature of your
19 recollection?
20 A. I just remember the content. But
21 when, I don't know.
22 Q. Was it recently?
23 A. It was back in the summer sometime.
24 I don't have any problem believing it was the
25 dates on there.

Page 93

1 BRENT ALLEN LARSON
2 THE WITNESS: The final?
3 MR. O'DONNELL: I think I can
4 clarify, if you let me. But it's
5 your exam, so --
6 (Simultaneous speakers.)
7 MR. RETHY: Feel free to
8 clarify.
9 MR. O'DONNELL: What was
10 that? I didn't catch that.
11 MR. RETHY: I said, please do
12 clarify if you feel you can.
13 MR. O'DONNELL: Mr. Larson,
14 at the board's last meeting in
15 January of 2021, did the board
16 consider approving a document that
17 you have in front of you?
18 THE WITNESS: Yes.
19 MR. O'DONNELL: Okay. And
20 what was the -- what was the
21 purpose of the board approving the
22 document that -- I think that we
23 have marked down as Exhibit 13.
24 THE WITNESS: To culminate
25 everything into one document so

<p style="text-align: right;">Page 94</p> <p>1 BRENT ALLEN LARSON</p> <p>2 that we would just have one</p> <p>3 document from all the revisions.</p> <p>4 MR. O'DONNELL: Okay.</p> <p>5 MR. RETHY: Okay. Got it.</p> <p>6 MR. O'DONNELL: Okay. So you</p> <p>7 can go from there.</p> <p>8 BY MR. RETHY:</p> <p>9 Q. So were you involved in drafting</p> <p>10 this particular document?</p> <p>11 A. No.</p> <p>12 Q. Do you know who was responsible for</p> <p>13 drafting it?</p> <p>14 A. Lisa -- the county administrator.</p> <p>15 Q. And did you -- and when this was</p> <p>16 adopted, did the board of supervisors consider</p> <p>17 each of the changes that had been made?</p> <p>18 A. Yes.</p> <p>19 Q. So let's turn to the comparison</p> <p>20 document, tab 14 -- not tab, but Exhibit 14,</p> <p>21 the second printed document.</p> <p>22 MR. O'DONNELL: Is that the</p> <p>23 redline?</p> <p>24 MR. RETHY: Yeah.</p> <p>25 ///</p>	<p style="text-align: right;">Page 95</p> <p>1 BRENT ALLEN LARSON</p> <p>2 BY MR. RETHY:</p> <p>3 Q. And so you wouldn't have seen this</p> <p>4 particular document before. But did you, in</p> <p>5 the course of approving this latest overall</p> <p>6 policy document, did you review a similar</p> <p>7 comparison between the 2020 and 2019 policies?</p> <p>8 A. Yes.</p> <p>9 Q. And so if you go down to the second</p> <p>10 page in the definitions section, you'll see</p> <p>11 that the word -- the phrase "arts</p> <p>12 organizations" is struck, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And do you understand why that was</p> <p>15 struck?</p> <p>16 A. I don't.</p> <p>17 Q. So did the board discuss that</p> <p>18 language having been struck when adopting</p> <p>19 this --</p> <p>20 (Simultaneous speakers.)</p> <p>21 A. I don't remember.</p> <p>22 Q. Could you repeat your answer?</p> <p>23 A. I'm sorry. I don't remember.</p> <p>24 Q. Do you have a view as to whether an</p> <p>25 arts organization should count as a nonprofit</p>
<p style="text-align: right;">Page 96</p> <p>1 BRENT ALLEN LARSON</p> <p>2 citizen group?</p> <p>3 A. I don't know. I don't know.</p> <p>4 Q. And so this -- so the limitation</p> <p>5 applicable, you know, where nonprofit citizen</p> <p>6 groups -- where arts organizations no longer</p> <p>7 count, that wasn't part of any policy until</p> <p>8 this new policy was adopted, correct?</p> <p>9 A. Right.</p> <p>10 Q. And this -- you'll see towards the</p> <p>11 bottom of this page, there's a section specific</p> <p>12 to the courthouse grounds, correct?</p> <p>13 A. Right.</p> <p>14 Q. And do you know who drafted this</p> <p>15 language?</p> <p>16 A. Mr. O'Donnell drafted it, with the</p> <p>17 help of Lisa, our county administrator.</p> <p>18 MR. O'DONNELL: I'm going to</p> <p>19 go stand next to Mr. Larson to look</p> <p>20 at his redline version.</p> <p>21 MR. RETHY: Okay.</p> <p>22 MR. O'DONNELL: I'm just</p> <p>23 going back to the definitions</p> <p>24 section. You've indicated --</p> <p>25 (Court reporter</p>	<p style="text-align: right;">Page 97</p> <p>1 BRENT ALLEN LARSON</p> <p>2 clarification.)</p> <p>3 MR. O'DONNELL: I'm just</p> <p>4 looking back on the prior -- the</p> <p>5 2019 policy and definitions</p> <p>6 section. And I don't see that that</p> <p>7 language is in the definition</p> <p>8 section in the 2019 version of the</p> <p>9 policy. So I'm not sure where that</p> <p>10 redline cross-out of "arts</p> <p>11 organizations" is derived from.</p> <p>12 MR. RETHY: If that's a -- I</p> <p>13 guess maybe we're seeing a danger</p> <p>14 of informal redlines. Let me see.</p> <p>15 MR. O'DONNELL: Yeah. Okay.</p> <p>16 Go ahead.</p> <p>17 MR. RETHY: Sorry. Let me</p> <p>18 take just a minute to get to the</p> <p>19 bottom of what's going on with the</p> <p>20 redline. Apologies.</p> <p>21 So I think I probably need</p> <p>22 five minutes to get this straight.</p> <p>23 MR. O'DONNELL: Do you want</p> <p>24 to go off the record?</p> <p>25 MR. RETHY: Yeah.</p>

Page 98

1 BRENT ALLEN LARSON
 2 THE VIDEOGRAPHER: The time
 3 is 12:03 p.m. Off the record.
 4 (Off-the-record discussion
 5 from 12:03 p.m. to
 6 12:14 p.m.)
 7 THE VIDEOGRAPHER: The time
 8 is 12:14 p.m. Back on the record.
 9 MR. RETHY: So it appears
 10 that there are multiple iterations
 11 of the 2019 policy that exist. The
 12 arts organization language is
 13 included in the version of the 2019
 14 policy that's attached to the
 15 county's opposition to our motion
 16 for a preliminary injunction. But
 17 it's also correct that that
 18 language does not, in fact, appear
 19 in other produced versions.
 20 It's unclear to me what the,
 21 you know, what the sort of
 22 official -- I believe the arts
 23 organization language is on the
 24 policy that's -- version that's
 25 sort of like a redline itself or a

Page 100

1 BRENT ALLEN LARSON
 2 occurred.
 3 BY MR. RETHY:
 4 Q. So I guess at least that -- but I'm
 5 going to -- but I think that the language we've
 6 been discussing, the added language in
 7 paragraphs specific to the courthouse grounds,
 8 does reflect an actual change as between the
 9 2019 and 2020 versions that is not just a
 10 function of, kind of, like, version control
 11 issues or anything.
 12 MR. O'DONNELL: Okay. All
 13 right.
 14 BY MR. RETHY:
 15 Q. So turning back to this redline
 16 document, Mr. Larson, I see in the new
 17 paragraph concerning the courthouse grounds, it
 18 states that, Permits are required for all uses
 19 except no permit is required for use of the
 20 area immediately surrounding the courthouse
 21 (sic) memorial for groups of four or less.
 22 Do you see that?
 23 A. Where are you? Second page?
 24 MR. O'DONNELL: The redline
 25 version.

Page 99

1 BRENT ALLEN LARSON
 2 track changes that's attached to
 3 the order from 2019 that actually
 4 adopts it. It's not, I guess,
 5 clear to me what the -- you know,
 6 what the county views as the
 7 authoritative -- you know, as the
 8 authoritative version with respect
 9 to those two words. But it's maybe
 10 not the biggest issue in the world.
 11 MR. O'DONNELL: I appreciate
 12 that. I would -- I would say this:
 13 If that language is part of
 14 approved policy -- that is, arts
 15 organizations -- if that's included
 16 in the definitions, its exclusion
 17 in later version was not
 18 intentional but probably a function
 19 of the fact that you have, like you
 20 say, more than one version floating
 21 around. That exclusion was never
 22 discussed. So . . .
 23 MR. RETHY: Okay. So --
 24 MR. O'DONNELL: I'll try to
 25 see if I can find out how all that

Page 101

1 BRENT ALLEN LARSON
 2 BY MR. RETHY:
 3 Q. Correct. Second page in the
 4 redline version.
 5 A. Yeah. At the bottom.
 6 Q. Yeah.
 7 A. Okay. I got you.
 8 Q. You see? The sentence I read is
 9 the sentence starting, Permits are required.
 10 Do you see that?
 11 A. Permits are required. Yes, I got
 12 you. Now I'm with you.
 13 Q. Okay, great. So it says, Permits
 14 are required for all uses except no permit is
 15 required for use of the area immediately
 16 surrounding the Confederate memorial for groups
 17 of four or less.
 18 Correct?
 19 A. Right.
 20 Q. So that's different from the
 21 five-person rule as reflected in the order we
 22 discussed earlier, correct?
 23 A. Right.
 24 Q. And could you explain how it's
 25 different?

Page 102

1 BRENT ALLEN LARSON

2 A. No. It seems to be the same, now

3 that I read it. Permits are required for all

4 uses except no permit is required for use of

5 the area immediately -- the use of the area

6 immediately surrounding the Confederate

7 memorial. I think we included the whole

8 courthouse grounds.

9 Q. Correct. That's what I was seeing

10 as the way that this was different from the

11 order.

12 A. Right.

13 Q. But now you need a permit to be,

14 even if you're one person, on the courthouse

15 grounds, so long as it's not the area

16 immediately surrounding the Confederate

17 memorial; is that correct?

18 A. Yes, sir.

19 Q. And what's the reason for that

20 change?

21 A. Just to keep the safety of the --

22 because there's business going on in the

23 courthouse. Not just around the statue, but

24 you've got business going on day to day inside

25 the courthouse. So not to disrupt any business

Page 104

1 BRENT ALLEN LARSON

2 Q. So do you recall who proposed this

3 change to the five-person rule?

4 A. Do what, now?

5 Q. Do you recall who proposed this

6 change in the language of the five-person rule?

7 A. The county administrator, I

8 believe.

9 Q. And do you recall what explanation

10 was given?

11 A. No, I don't.

12 Q. And did the board vote unanimously

13 to adopt this?

14 A. Yes.

15 Q. And did the board solicit any input

16 from the public regarding the policy before

17 adopting it?

18 A. Not that I remember.

19 Q. And do you have an understanding as

20 to why the policy is now more lenient with

21 respect to the Confederate statue area as

22 opposed to other parts of the courthouse

23 grounds?

24 A. Because you can fit four people

25 around that statue, and it's just -- it doesn't

Page 103

1 BRENT ALLEN LARSON

2 that's happening.

3 Q. So do you remember earlier we were

4 talking about the -- you know, the whole series

5 of potential circumstances involving, like, a

6 group of people sitting on the benches around

7 the courthouse, correct?

8 A. Correct.

9 Q. So is it the case now that,

10 effectively, they're not allowed to use those

11 benches at all?

12 A. No.

13 Q. Do you need to get a permit for

14 even one person to sit on one of those benches?

15 A. No.

16 Q. And why is that not the case?

17 A. Because you've got somebody just

18 sitting and leaving, you know. You don't have

19 to have a permit for that.

20 Q. But one person sitting on a bench

21 and holding the poster that, you know, sets

22 forth a political opinion, that would be

23 prohibited without a permit?

24 A. I mean, we haven't discussed that.

25 I mean, I don't know.

Page 105

1 BRENT ALLEN LARSON

2 necessarily require -- one person required, you

3 know, to get a permit when you can have four up

4 there without impeding the sidewalk or traffic.

5 Q. But you're saying that even one

6 person anywhere on the courthouse grounds

7 impedes pedestrian traffic?

8 MR. O'DONNELL: Object to

9 form. You can answer.

10 A. Say again.

11 Q. Are you saying that even one person

12 on another part of the courthouse grounds does

13 impede pedestrian traffic?

14 A. Speculative. It's -- I don't know,

15 I mean.

16 Q. But you're saying that was the

17 basis for the board treating the Confederate

18 statue area and the rest of the courthouse

19 grounds differently; is that correct?

20 A. I don't know.

21 Q. So you don't know why the

22 Confederate statue area and the rest of the

23 county courthouse grounds are treated

24 differently in this regard?

25 A. Talking as to what?

<p style="text-align: right;">Page 106</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. Excuse me?</p> <p>3 A. Treated differently in what way?</p> <p>4 Q. In that you don't need a permit for</p> <p>5 four people or less right around the</p> <p>6 Confederate statue, but you do need a permit</p> <p>7 for four people or less anywhere else on the</p> <p>8 courthouse grounds.</p> <p>9 A. And what is your question about</p> <p>10 that?</p> <p>11 Q. Why is the Confederate statue area</p> <p>12 and the rest of the county courthouse grounds</p> <p>13 treated differently?</p> <p>14 A. I don't know.</p> <p>15 Q. So if you look at page 3 of the</p> <p>16 redline, the paragraph called, Denial of</p> <p>17 Proposed Usage.</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. And so this paragraph now, you</p> <p>21 know, adds some language that wasn't previously</p> <p>22 in the -- you know, in the 2019 policy, right?</p> <p>23 A. I don't know. I wasn't there in</p> <p>24 2019.</p> <p>25 Q. Then let's look at the 2019 policy.</p>	<p style="text-align: right;">Page 107</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. Where is the 2019?</p> <p>3 Q. I think it's tab 3.</p> <p>4 A. Page 3?</p> <p>5 Q. Tab 3.</p> <p>6 A. Okay.</p> <p>7 Q. So if you look at page 2 -- there</p> <p>8 might be a blank page, but the page that is</p> <p>9 page 2 of 4.</p> <p>10 A. Okay.</p> <p>11 Q. And you see at the bottom, there's</p> <p>12 a paragraph called, Denial of Usage, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And you see that this says, The</p> <p>15 county reserves the right to deny applications</p> <p>16 for use if the user has previously violated the</p> <p>17 rules set forth in this policy or if the use</p> <p>18 would pose health or safety risks.</p> <p>19 Correct?</p> <p>20 A. That's right.</p> <p>21 Q. And that's the entirety of that</p> <p>22 paragraph, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And now if you look at the newly</p> <p>25 adopted policy -- you can look at the clean</p>
<p style="text-align: right;">Page 108</p> <p>1 BRENT ALLEN LARSON</p> <p>2 version. Do you see on page 3 of the clean</p> <p>3 version there's a paragraph called, Denial of</p> <p>4 Proposed Usage?</p> <p>5 A. Yes.</p> <p>6 Q. And would you agree that that</p> <p>7 paragraph corresponds to the paragraph in the</p> <p>8 2019 policy?</p> <p>9 A. Yes.</p> <p>10 Q. And you would agree that there's</p> <p>11 additional language that's been added to that</p> <p>12 paragraph as of this -- this new policy that</p> <p>13 was adopted by the board on January 4th,</p> <p>14 correct?</p> <p>15 A. That's correct.</p> <p>16 Q. So who drafted this new language?</p> <p>17 A. Mr. O'Donnell drafted it, I</p> <p>18 believe. Between him and the county</p> <p>19 administrator.</p> <p>20 Q. So in this paragraph, it says, The</p> <p>21 county reserves the right to deny applications</p> <p>22 or impose reasonable time, place, and manner</p> <p>23 restrictions in granting a permit, depending on</p> <p>24 the nature of the proposed use.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 109</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. I do.</p> <p>3 Q. What's your understanding of a</p> <p>4 time, place, and manner restriction?</p> <p>5 A. Just what it says, the time, the</p> <p>6 place, and the manner they're going -- you</p> <p>7 know, let's see. The time and the manner</p> <p>8 they're going to hold their event. And make</p> <p>9 sure there's not any competing events at the</p> <p>10 same time.</p> <p>11 Q. So it says that the county reserves</p> <p>12 this right to impose these restrictions. Would</p> <p>13 that be -- so who at the county would actually</p> <p>14 determine those restrictions in the event the</p> <p>15 county sought to exercise this right?</p> <p>16 A. The administrator.</p> <p>17 Q. And --</p> <p>18 A. And the sheriff.</p> <p>19 Q. And what factors would they</p> <p>20 consider?</p> <p>21 A. Competing events. I mean, that's</p> <p>22 what I know of. That's a question for them,</p> <p>23 really, since I have no part of the decision</p> <p>24 process whether to deny an application.</p> <p>25 Competing events, holidays.</p>

Page 110

1 BRENT ALLEN LARSON

2 Q. And so then later in the paragraph,

3 it says, In the event an applicant is denied a

4 permit or if a permittee objects to any use

5 restriction required by the county

6 administrator, the applicant or permittee may

7 appeal the denial or restriction to the

8 Lafayette County Board of Supervisors by filing

9 a written appeal with the county administrator

10 within 10 days of the denial or grant of the

11 permit with restrictions.

12 Correct?

13 A. Right.

14 Q. And this appeal process is new as

15 of the adoption of this policy, correct?

16 A. Yes.

17 Q. And what's your understanding of

18 how that appeal process will work?

19 A. I've never done one, so I don't

20 know, other than what it says in the --

21 Q. So who would decide the appeal?

22 A. The board of supervisors.

23 Q. And that includes yourself,

24 correct?

25 A. Yes.

Page 112

1 BRENT ALLEN LARSON

2 believe.

3 Q. So it says it has to be filed

4 within 10 days, correct?

5 A. Right.

6 Q. And so are you saying the board

7 would consider it immediately upon filing?

8 A. Yes.

9 Q. And so you would expect the board

10 to make a decision the same day that the appeal

11 was filed?

12 A. No.

13 Q. When would the board make a

14 decision?

15 A. I don't know.

16 Q. There's no -- there's nothing in

17 the policy that defines the timing by which the

18 board has to make a decision, correct?

19 A. Correct.

20 Q. So in a -- if you go down to the

21 last page -- or the second-to-last page of the

22 redline document.

23 A. Okay.

24 Q. You'll see that the paragraph

25 called, Signs -- you know, with the header,

Page 111

1 BRENT ALLEN LARSON

2 Q. And so what would you consider if

3 you received an appeal?

4 A. Well, every situation is unique,

5 so, I mean, you really would -- it's hard to

6 say when you've got every different --

7 different -- make sure each -- each case is

8 unique and different. I can't possibly say

9 what I would consider without knowing the

10 circumstance.

11 Q. So you would consider it on a

12 case-by-case basis?

13 A. That's right.

14 Q. And you would just use your

15 judgment to make that determination?

16 A. Right.

17 Q. And do you have an understanding of

18 why the board decided to adopt this appeal

19 process?

20 A. Just to give the applicant a fair

21 shot at letting the board hear it, hear their

22 case.

23 Q. If there was an appeal, when would

24 the board consider it?

25 A. 10 days after the denial, I

Page 113

1 BRENT ALLEN LARSON

2 Signs?

3 A. Right.

4 Q. And then you'll see that there's an

5 added word, where the word "flag" is added.

6 A. Right.

7 Q. And do you understand why that word

8 was added?

9 A. No, I don't.

10 Q. So was that addition discussed when

11 this policy was adopted?

12 A. No, it was not discussed.

13 Q. Do you agree with that policy

14 change, looking at it now?

15 A. Yes, I do.

16 Q. And can you explain why?

17 A. Because it's a -- a flag. It can

18 be -- obstruct someone's view or, you know,

19 it's just -- it's just not fair for one person

20 or 10 people -- however -- to have flags to

21 obstruct view -- in my opinion, to obstruct

22 someone's view.

23 Q. So is it your understanding that

24 this policy now prohibits bringing flags onto

25 the courthouse grounds altogether?

<p style="text-align: right;">Page 114</p> <p>1 BRENT ALLEN LARSON</p> <p>2 A. Yes.</p> <p>3 (Court reporter</p> <p>4 clarification.)</p> <p>5 A. Altogether? No.</p> <p>6 Q. So in what way does it not?</p> <p>7 A. I don't know.</p> <p>8 Q. So why did you change your answer</p> <p>9 from the first to the second time --</p> <p>10 A. I thought it was around the</p> <p>11 monument, but I don't see something</p> <p>12 identifying -- identifying that. It's going to</p> <p>13 be on a metal, lumber, wood or plastic -- okay.</p> <p>14 It's going to be on a piece of wood or lumber.</p> <p>15 The flag will be on a piece of lumber or wood.</p> <p>16 And what was your question? I've lost it</p> <p>17 reading through this -- again?</p> <p>18 Q. I was asking whether it's your</p> <p>19 understanding that this prohibits bringing</p> <p>20 flags onto the county courthouse grounds.</p> <p>21 A. No.</p> <p>22 Q. Could you explain your</p> <p>23 understanding of what it does prohibit?</p> <p>24 A. Poles or lumber, wood that go on --</p> <p>25 that the flag goes on. It prohibits lumber or</p>	<p style="text-align: right;">Page 115</p> <p>1 BRENT ALLEN LARSON</p> <p>2 wood, plastic.</p> <p>3 Q. And then it says, unless such</p> <p>4 object is one-fourth inch or less in thickness</p> <p>5 and two inches or less in width, etcetera,</p> <p>6 correct?</p> <p>7 A. Right.</p> <p>8 Q. So flags are -- flags are permitted</p> <p>9 so long -- this just regulates the dimensions</p> <p>10 of the flagpole, essentially?</p> <p>11 A. Right.</p> <p>12 Q. And you previously said that you</p> <p>13 agreed with this because -- because flags can</p> <p>14 obstruct view. But that doesn't -- whether a</p> <p>15 flag obstructs a view isn't a function of the</p> <p>16 width or the dimensions of a flagpole, correct?</p> <p>17 A. Do what, now? Say again.</p> <p>18 Q. Whether or not a flag obstructs the</p> <p>19 view doesn't depend on how thick the flagpole</p> <p>20 is, correct?</p> <p>21 A. Right.</p> <p>22 Q. So under this policy, you could</p> <p>23 still have flags that obstruct view, correct?</p> <p>24 A. Right.</p> <p>25 Q. So I'm going to attempt to share my</p>
<p style="text-align: right;">Page 116</p> <p>1 BRENT ALLEN LARSON</p> <p>2 screen to play a video. I've never really done</p> <p>3 this before, so it might not work, or you might</p> <p>4 see, like, other weird stuff on my screen, but</p> <p>5 hopefully not.</p> <p>6 MR. O'DONNELL:</p> <p>7 (Indiscernible.)</p> <p>8 BY MR. RETHY:</p> <p>9 Q. But let me know if -- so can you</p> <p>10 see -- do you see a video window?</p> <p>11 A. No, I don't.</p> <p>12 MR. O'DONNELL: Do you see</p> <p>13 the courthouse?</p> <p>14 THE WITNESS: Yes.</p> <p>15 MR. O'DONNELL: He sees the</p> <p>16 courthouse.</p> <p>17 A. I thought you meant -- yes, I see</p> <p>18 it. I'm sorry.</p> <p>19 Q. So, now, is the video playing?</p> <p>20 A. It is.</p> <p>21 (Video played.)</p> <p>22 BY MR. RETHY:</p> <p>23 Q. And do you recognize what this</p> <p>24 video is showing?</p> <p>25 A. Yes, I do.</p>	<p style="text-align: right;">Page 117</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. And could you describe it?</p> <p>3 A. It shows a picture of the</p> <p>4 courthouse with some kind of festival, it looks</p> <p>5 like, a festival in Oxford. I can't recall it.</p> <p>6 Q. Is it -- is it fair to say this</p> <p>7 might be the Double Decker Arts Festival?</p> <p>8 A. Double Decker, yeah. That's what</p> <p>9 it looks like.</p> <p>10 Q. And so this shows some people and</p> <p>11 some booths and tents and so forth on the</p> <p>12 courthouse grounds, correct?</p> <p>13 A. Right.</p> <p>14 Q. And is this a use that might be</p> <p>15 permitted under the policies as they currently</p> <p>16 stand, or is this contrary to the current</p> <p>17 policies?</p> <p>18 A. I don't know. I do not know how</p> <p>19 they treat special events. We haven't had one</p> <p>20 since I've been in office.</p> <p>21 Q. I'm no longer sharing the screen,</p> <p>22 correct?</p> <p>23 MR. O'DONNELL: Correct.</p> <p>24 A. Right.</p> <p>25 Q. You haven't had special events. Is</p>

<p style="text-align: right;">Page 118</p> <p>1 BRENT ALLEN LARSON</p> <p>2 that because of COVID?</p> <p>3 A. Yes. That's right.</p> <p>4 Q. But prior to COVID, there were</p> <p>5 events that involved use of the county</p> <p>6 courthouse grounds, right?</p> <p>7 A. Yes, like Double Decker did. I</p> <p>8 don't know what else you might be referring to.</p> <p>9 Q. Have you ever attended Double</p> <p>10 Decker Arts Festival?</p> <p>11 A. I have.</p> <p>12 Q. And do you recall what year or</p> <p>13 years you might have attended it?</p> <p>14 A. I don't.</p> <p>15 MR. RETHY: So let's go off</p> <p>16 the record. I might be done, but I</p> <p>17 just want to check my notes. So if</p> <p>18 you give me five minutes.</p> <p>19 THE WITNESS: Okay.</p> <p>20 THE VIDEOGRAPHER: The time</p> <p>21 is 12:46 p.m. Off the record.</p> <p>22 (Recess from 12:46 p.m. to</p> <p>23 12:53 p.m.)</p> <p>24 THE VIDEOGRAPHER: The time</p> <p>25 is 12:53 p.m. Back on the record.</p>	<p style="text-align: right;">Page 119</p> <p>1 BRENT ALLEN LARSON</p> <p>2 BY MR. RETHY:</p> <p>3 Q. So, Mr. Larson, we talked about</p> <p>4 recently this latest version of the policy that</p> <p>5 was adopted at the meeting on January 4th,</p> <p>6 right?</p> <p>7 A. Right.</p> <p>8 Q. And we talked about this paragraph</p> <p>9 concerning the courthouse grounds -- this new</p> <p>10 paragraph concerning the courthouse grounds and</p> <p>11 the added language in the</p> <p>12 denial-of-proposed-use paragraph, correct?</p> <p>13 A. Right.</p> <p>14 Q. And you testified that those</p> <p>15 paragraphs were written by Mr. O'Donnell and</p> <p>16 Ms. Carwyle; is that correct?</p> <p>17 A. Yeah. I'm under the assumption</p> <p>18 that's correct. I never have asked.</p> <p>19 Q. And do you know whether any of</p> <p>20 those -- any of the language in those</p> <p>21 paragraphs was -- was put into this policy in</p> <p>22 response to this lawsuit?</p> <p>23 A. No, it was not.</p> <p>24 Q. And how do you know that?</p> <p>25 A. Because we looked over the changes</p>
<p style="text-align: right;">Page 120</p> <p>1 BRENT ALLEN LARSON</p> <p>2 to begin with and corresponded with</p> <p>3 Mr. O'Donnell.</p> <p>4 Q. And how did that lead you to</p> <p>5 conclude that this language was not added in</p> <p>6 response to this lawsuit?</p> <p>7 MR. O'DONNELL: Object to</p> <p>8 form. You can answer.</p> <p>9 A. Because it was -- say it again,</p> <p>10 now. I lost you.</p> <p>11 Q. So what's the basis for your</p> <p>12 assertion that this language wasn't added into</p> <p>13 the policy in reaction to this lawsuit?</p> <p>14 A. I just know it wasn't. I mean,</p> <p>15 it's -- no one -- I think -- let me look and</p> <p>16 see.</p> <p>17 We did it on the advice of the</p> <p>18 sheriff. It was already done in June and July</p> <p>19 before -- it was done in June and July upon the</p> <p>20 advice of the sheriff.</p> <p>21 Q. Right. But there's new language</p> <p>22 that is new as of this document, which is</p> <p>23 dated -- which came into existence later than</p> <p>24 June and July, correct?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 121</p> <p>1 BRENT ALLEN LARSON</p> <p>2 Q. For instance, language regarding</p> <p>3 reasonable time, place, and manner</p> <p>4 restrictions.</p> <p>5 A. Right.</p> <p>6 Q. Was that language put in place by</p> <p>7 the sheriff?</p> <p>8 MR. O'DONNELL: Object to</p> <p>9 form. You can answer.</p> <p>10 A. I'm going to say that's placed by</p> <p>11 Mr. O'Donnell.</p> <p>12 Q. And you don't know the specific</p> <p>13 reason why Mr. O'Donnell included that</p> <p>14 language, correct?</p> <p>15 A. Correct. Well, I mean, it's pretty</p> <p>16 self-explanatory, time, place, and manner --</p> <p>17 what time, the place, and the manner you're</p> <p>18 doing it. I mean, holiday or whatever was my</p> <p>19 understanding.</p> <p>20 Q. Are you aware that the phrase,</p> <p>21 "time, place, and manner restriction" has a</p> <p>22 specific meaning in First Amendment law?</p> <p>23 A. Do what, now?</p> <p>24 Q. That the phrase "time, place, and</p> <p>25 manner restriction" has a specific meaning in</p>

<p style="text-align: right;">Page 122</p> <p>1 BRENT ALLEN LARSON</p> <p>2 First Amendment law?</p> <p>3 A. No.</p> <p>4 Q. Going back to the previous page in</p> <p>5 the courthouse grounds paragraph: The use of</p> <p>6 the courthouse exterior grounds, defined to</p> <p>7 include the outside areas contiguous to the</p> <p>8 circuit courthouse and the area encompassing</p> <p>9 the Confederate memorial, is limited given that</p> <p>10 it is primarily a place of court business.</p> <p>11 Do you see that language?</p> <p>12 A. Uh-huh.</p> <p>13 Q. And do you know who wrote that?</p> <p>14 A. Do I know who wrote that? It's</p> <p>15 going to be -- no, I don't. I was going to</p> <p>16 say -- I don't know.</p> <p>17 Q. And so you don't know why that</p> <p>18 language was inserted into here specifically,</p> <p>19 correct?</p> <p>20 A. It was because of -- I lost my</p> <p>21 place here. Okay. I got it. Because the</p> <p>22 court carries on court and everything else,</p> <p>23 business with the county. They have trials and</p> <p>24 everything else, circuit clerk.</p> <p>25 Q. Well, you didn't write this</p>	<p style="text-align: right;">Page 123</p> <p>1 BRENT ALLEN LARSON</p> <p>2 language, right?</p> <p>3 A. Do what?</p> <p>4 Q. You did not write that language</p> <p>5 yourself, right?</p> <p>6 A. No, I didn't.</p> <p>7 Q. And so that's just your</p> <p>8 interpretation of why that language would have</p> <p>9 been included, right?</p> <p>10 A. Right.</p> <p>11 MR. RETHY: I don't have any</p> <p>12 further questions.</p> <p>13 MR. O'DONNELL: I don't have</p> <p>14 any questions.</p> <p>15 THE VIDEOGRAPHER: This</p> <p>16 concludes today's deposition. The</p> <p>17 time is 1:00 p.m. Off the record.</p> <p>18 (The deposition of BRENT</p> <p>19 ALLEN LARSON concluded at</p> <p>20 1:00 p.m. Central Standard</p> <p>21 Time.)</p> <p>22 * * * * *</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 124</p> <p>1 BRENT ALLEN LARSON</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3 I, Greta H. Duckett, Certified Court</p> <p>4 Reporter, Registered Professional Reporter, and</p> <p>5 Certified Realtime Reporter, hereby certify</p> <p>6 that on Thursday, January 14, 2021, I reported</p> <p>7 the remote deposition of BRENT ALLEN LARSON,</p> <p>8 who was first duly sworn or affirmed to speak</p> <p>9 the truth in the matter of the foregoing cause,</p> <p>10 and that the pages herein contain a true and</p> <p>11 accurate transcription of the examination of</p> <p>12 said witness by counsel for the parties set out</p> <p>13 herein.</p> <p>14 I further certify that I am neither of</p> <p>15 kin nor of counsel to any of the parties to</p> <p>16 said cause, nor in any manner interested in the</p> <p>17 results thereof.</p> <p>18 This 27th day of January, 2021.</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S</p> <p>22 ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671</p> <p>23</p> <p>24</p>	

1	2	4		
1 15:15,18 70:10,21, 24	2 23:14,15 87:3 107:7, 9	4 15:25 41:25 42:3 89:22 91:11 107:9	Absolutely 17:19 85:19	agree 71:3,15,20 83:22 85:17 108:6,10 113:13
10 10:25 20:18,25 21:23,24 23:12 29:8 41:14 78:7,8 110:10 111:25 112:4 113:20	20 21:25 22:3 46:12, 19 89:15 90:25	41 42:2 63:19	access 39:2,6	agreed 25:10 115:13
10:01 41:18,19	2019 15:25 90:8,12 95:7 97:5,8 98:11,13 99:3 100:9 106:22, 24,25 107:2 108:8	42 77:5	achieved 82:19	ahead 97:16
10:12 41:20,22	2020 16:18,19,20 17:3 18:12,17,24 19:5,21 20:2 74:8 80:22 89:16 90:12,25 95:7 100:9	423 12:6	ACLU 10:4	alderman 68:25 69:4
11 79:13,23	2021 9:15 89:22 91:11 93:15	43 78:7	action 63:14 91:15	Allen 8:1 9:1 10:1,13 11:1 12:1,3 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1,19
11:05 41:13	20th 92:17	44 27:16 30:14 46:15 64:25	activities 18:17	allowed 32:4,13 33:7 56:11 103:10
11:10 41:14	27 75:15	4th 108:13 119:5	activity 17:17 18:2,5, 18 53:9	allowing 29:12
11:11 76:23,24	28 80:21	5	actual 53:15 62:18 100:8	altogether 113:25 114:5
11:20 76:25 77:3	28th 80:8	5 49:15,16	added 100:6 108:11 113:5,8 119:11 120:5,12	amend 17:8 23:24 24:21 25:11
11:41 89:4,5		5:00 53:21 54:3 57:7	adding 90:6	amended 27:14 30:5,19
11:49 89:6,8		5:15 58:22	addition 113:10	amendment 17:11, 14 25:14 26:20 27:2 29:9 40:18 50:17 121:22 122:2
11th 39:19		5:30 57:18	additional 67:2 68:4 108:11	
12 12:16 79:15,24	3	6	address 11:25 12:4	
120 85:11,22	3 15:16 27:17,18 30:16 106:15 107:3, 4,5 108:2	6 68:10,11	addressed 47:12	
12:03 98:3,5	30 8:22 14:23 49:24 50:18,23 51:20 52:12,19 53:6,15,20 54:2 55:17,21 56:17, 20 57:7,21,22 58:7, 15 59:3,14,19 60:3,5, 20 61:19,22 62:2 63:11 64:20 65:4,8, 20 73:6	640 52:8	adds 106:21	
12:14 98:6,8		7	adjourn 14:10	
12:46 118:21,22		7 72:16,17	administrator 31:16 34:24 41:8 43:6,13 45:9 47:22 48:14 51:14 94:14 96:17 104:7 108:19 109:16 110:6,9	
12:53 118:23,25		8	administrators 86:16	
13 72:15 73:7 90:18 93:23		8 75:15,16	admissible 8:20	
136 12:6		9	adopt 104:13 111:18	
14 49:22 51:13 90:20 94:20	30-minutes-before-dusk 62:25	9 68:9 77:6,7	adopted 89:21 91:11 94:16 96:8 107:25 108:13 113:11 119:5	
14th 9:15	31 49:14	9:13 9:17	adopting 95:18 104:17	
15 74:8	34 79:12	A	adoption 27:2 110:15	
16 15:12	38655 12:7	a.m. 9:17 41:18,19, 20,22 76:23,24,25 77:3 89:4,5,6,8	adopts 99:4	
17 15:13	3:20-cv-224-nbb-rp 9:14	absent 50:11,13	advice 120:17,20	
17th 75:21				
18 15:13				
19 15:13				
1:00 123:17,20				

amounted 35:18 36:21 Ann 72:25 73:9,11,13 Antonow 68:15,22 anymore 29:9 anytime 63:10 Apologies 97:20 appeal 49:8,9,12 110:7,9,14,18,21 111:3,18,23 112:10 appears 98:9 applicable 96:5 applicant 110:3,6 111:20 application 31:16 48:15 49:21 109:24 applications 49:7 107:15 108:21 applied 31:20 35:3 55:5 62:12 apply 29:20 60:14 61:4 applying 37:5 60:13 approve 49:20 67:15,16,18 approved 90:2 92:13 99:14 approving 93:16,21 95:5 approximately 9:16 13:4 52:8 75:2 85:10 April 73:8,11,15 area 24:24 25:3 40:10 42:21,23 43:17 63:17,22,23,24 64:2, 4,8,12,16 100:20 101:15 102:5,15 104:21 105:18,22 106:11 122:8 areas 122:7 arguing 32:18 arts 95:11,25 96:6 97:10 98:12,22 99:14 117:7 118:10	aspect 14:25 assertion 120:12 assist 82:4 association 8:5 assume 78:2 assuming 73:3 assumption 119:17 athletic 83:10 attached 86:23 87:9 98:14 99:2 attachments 85:3 attempt 115:25 attended 118:9,13 attorney 9:23 August 80:8,21 author 70:14 74:16 authoritative 99:7,8 authority 36:12 75:13 authorized 78:4 avoiding 39:12 aware 48:9,13 50:25 62:22,24 67:4 83:25 88:7 121:20 awareness 16:13 <hr/> B <hr/> B-11 39:20 B-2 65:2 B-20 40:4 46:16 B-3 28:10 B-4 38:12 back 14:10 29:6 30:13,16 36:8 40:3 41:13,22 46:15,16 58:15 61:14 63:19 64:24 73:3 77:3 88:17 89:8 90:23 91:23 96:23 97:4 98:8 100:15 118:25 122:4	backtrack 61:6 barricade 75:9 barricaded 74:20,25 75:5 barricading 74:14 Bartlett 9:24 based 45:10 53:16 90:2 basically 26:9 basis 21:9 44:22 105:17 111:12 120:11 begin 120:2 behalf 10:8 11:15 belief 21:9 59:16 believing 91:24 bench 29:2 103:20 benches 28:14,19 30:17,22 32:15 46:22 47:2,6 103:6,11,14 biggest 99:10 bill 11:20 binder 11:22 13:22 15:17 bit 22:8 black 69:22 blank 107:8 block 25:18 38:25 39:5,25 40:10 43:21 44:9 blockaded 74:21 blocking 39:12 41:2 blocks 44:16,20 blue 79:19 board 12:9 14:20 15:5,7,9,10 19:3 30:25 47:9 49:6 50:6 62:4 66:21 75:12 80:3 89:21 91:14 92:13 93:15,21 94:16 95:17 104:12,15 105:17 108:13 110:8, 22 111:18,21,24	112:6,9,13,18 board's 37:5 91:11 93:14 booths 117:11 bottle 41:10 bottom 28:11 96:11 97:19 101:5 107:11 break 41:10 76:19 Brent 8:1 9:1,8 10:1, 13 11:1 12:1,3 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1,20 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1,18 briefly 88:25 bringing 113:24 114:19 brought 69:17 budget 66:23,24 67:10,11,13,14,16 68:2 75:14 business 11:14,15 14:22 25:19 57:3 102:22,24,25 122:10,	23 busy 52:3 <hr/> C <hr/> calculate 62:2 call 71:18 72:2 called 15:21 71:25 106:16 107:12 108:3 112:25 calls 22:6 80:12,21 carries 122:22 Carwyle 13:10 75:20 119:16 case 8:24 9:13 47:11 56:25 103:9,16 111:7,22 case-by-case 111:12 Catarina 76:5 catch 93:10 Central 123:20 chancellor 83:9 change 25:13,21 28:17,22 100:8 102:20 104:3,6 113:14 114:8 charge 87:13,23 88:4 charged 85:11,22 88:9 chat 15:16 check 59:7 60:10,11 118:17 chosen 40:15,23 circuit 122:8,24 circumstance 36:19 111:10 circumstances 11:12 63:8 77:25 87:13 103:5 citizen 96:2,5 citizens 69:17,22 70:10 71:4,10
--	--	---	---	---

city 11:14 68:25 69:4, 8,20 79:10 81:21,23 82:8 83:11 85:7,12, 24 Civil 8:23 clarification 97:2 114:4 clarify 93:4,8,12 clarity 89:11 classify 38:16 classifying 22:14 clean 107:25 108:2 clear 59:14,18 99:5 clerk 122:24 closed 50:23 55:21, 23,24,25 56:8 61:18 65:20,25 66:5 closes 56:10 closure 49:23 50:18 51:20 55:16,19 60:15 62:25 66:11 cloudy 54:23 55:2 coherently 14:2 commentary 92:6 communications 22:17 community 62:8,10 company 11:5 compare 90:11 comparison 90:7,14 94:19 95:7 competing 109:9,21, 25 complete 60:15 comply 58:13 59:11 87:20 comport 59:10 composite 64:25 79:18 con 71:12 concerns 17:15,16, 20,22 18:9,11 52:3	80:13 81:4,8 82:11, 12,14,20 87:25 88:2, 6 conclude 120:5 concluded 123:19 concludes 123:16 conditions 55:8 conduct 33:22 Conerly 72:25 73:9, 11,13 Confederate 18:22 19:4,20,25 20:15 24:24 42:16 43:10,18 45:11 63:17,21 64:3, 8,11,15,16,18 69:18 71:3 73:2 74:20 78:14 101:16 102:6, 16 104:21 105:17,22 106:6,11 122:9 confused 92:3 connection 16:6 consideration 70:4, 7 constituent 69:6 70:14 constituents 19:18, 20 20:7,15 21:10,13, 16 22:18 23:4 76:8 constitute 46:7 consult 75:11 content 20:4,5,10 24:18 91:20 contested 12:20 contiguous 122:7 continue 14:24 34:16 71:12 contrary 117:16 control 100:10 conventionally 89:12 conversation 32:16, 17,24 33:2,4,7,17,21, 24 34:5,22 35:18,24 36:3,21 37:12 62:21	conversations 19:19 20:14 22:10 37:17 62:19 conveyed 56:14 correct 20:12 23:25 24:2,13,14 25:7,8 26:22 27:4,22,23 28:10,15,24,25 29:2, 14,15,17,18 36:14,22 37:17 38:24 39:3,7,8, 13 40:20,21 42:7,10, 21,22 43:10,12,23 44:3,20 45:14 49:2, 24 50:8,11 53:17,18, 21 55:17,18 58:16 62:5 63:15,17 65:21 68:16 73:2,10 74:9 76:5 77:20,21 78:12, 13,16,17 79:21,22 80:3,4,20 82:8,9,22, 24 84:20,21 86:5,12, 17,18,25 87:10,11 95:12,13 96:8,12 98:17 101:3,18,22 102:9,17 103:7,8 105:19 107:12,13,19, 22,23 108:14,15 110:12,15,24 112:4, 18,19 115:6,16,20,23 117:12,22,23 119:12, 16,18 120:24 121:14, 15 122:19 correctly 86:2 corresponded 120:2 correspondence 22:6 corresponds 108:7 cost 87:6 counsel 9:18 14:13 89:17,19 Counselors 8:3 count 58:15 95:25 96:7 counterfeit 11:19 counterfeit-money 11:18 county 9:9 10:9 12:6, 9 15:6 16:14 18:5,23	23:6 26:24 27:3 31:16 34:24 37:19,22 38:2,19 39:2,6 41:8 43:5,12 45:8 46:22 47:22 48:14 51:14 52:9 67:3 69:20 71:5 73:25 81:21,24 85:10,13,24 87:5 94:14 96:17 99:6 104:7 105:23 106:12 107:15 108:18,21 109:11,13,15 110:5, 8,9 114:20 118:5 122:23 county's 98:15 couple 88:23 court 8:13 9:11 10:11 11:8,9,14,17 57:2,4 61:13,16 96:25 114:3 122:10,22 courthouse 18:23 23:25 24:23 25:16,19 26:25 28:4,12,23 29:13 30:21 31:19 32:4 33:16,18 34:4, 14 35:4,17 36:9 37:20,23 38:2,17,19 39:2,6,18 40:8 42:15 43:4,20,23 44:6,15 45:17,22 46:22 49:23 50:18,22 52:5 55:16, 20 56:12,17 60:19 61:18 63:11,16 64:5, 11,22 65:5,16,18 66:7,11 67:3 69:18 80:14 81:21 85:13 96:12 100:7,17,20 102:8,14,23,25 103:7 104:22 105:6,12,18, 23 106:8,12 113:25 114:20 116:13,16 117:4,12 118:6 119:9,10 122:5,6,8 courtroom 8:21 cover 52:25 69:8 COVID 118:2,4 COVID-19 8:8 criteria 37:10 48:5 cross-out 97:10 crushed 11:6	culminate 93:24 current 22:19 48:18 78:5,23 117:16 <hr/> D <hr/> danger 97:13 dark 79:2 date 9:14 15:24 49:22 89:15 90:25 92:17 dated 120:23 dates 91:25 David 10:7 83:19 88:14 89:23 day 53:6,12 59:15 79:2 102:24 112:10 days 49:22 51:13 58:23 110:10 111:25 112:4 deal 67:2 death 17:18 decide 35:11,12 47:25 51:15 110:21 decided 14:20 111:18 decides 34:21,24 35:4 deciding 35:16 70:4 72:6,10 decision 22:25 35:22,23 36:3 41:5 45:9 47:15,16 48:6 49:3 75:8 109:23 112:10,14,18 decisions 23:6,10 Decker 117:7,8 118:7,10 dedicated 87:6 defendant 89:17,19 define 46:6 defined 51:24 54:21 122:6 defines 51:25 112:17
--	--	---	--	--

definition 97:7	differently 105:19, 24 106:3,13	documents 11:22 13:21 89:10,13	75:19,24 76:4,16 79:20,25 80:2,5,17 82:24 84:8,17 85:2 86:24 88:15,17 89:17	17,18 41:25 42:3 49:15,16 68:10,11 72:16,17 75:15,16 77:6,7 78:7,8 79:13, 15 90:18,20 93:23 94:20
definitions 95:10 96:23 97:5 99:16	dimensions 115:9, 16	Double 117:7,8 118:7,9	emotionally 85:11, 22	Exhibits 79:23
denial 54:2 106:16 107:12 108:3 110:7, 10 111:25	directly 76:13 83:4,7 87:14 88:5,9	drafted 92:12 96:14, 16 108:16,17	encompassing 122:8	exist 98:11
denial-of- proposed-use 119:12	director 83:10	drafting 94:9,13	encounter 91:6	existed 16:22
denied 48:14,22,25 110:3	disagree 89:24	drawing 33:20	end 60:19	existence 17:2 120:23
deny 49:4 107:15 108:21 109:24	disappear 58:14	driver 11:5	enforce 35:13 36:4, 13 47:10 48:4,7 63:5, 8	exists 62:8
department 35:9,10, 15 36:5,10 37:2,4,10 48:3,10 51:17 52:6, 10,11,16,24 63:4,7, 13 66:3 67:6 85:9,10 87:5,18 88:8	disappointed 74:12	drop 15:16	enforced 35:8 36:4 48:11 62:23 63:2 66:3	expansion 68:8
department's 66:23	disapprove 67:21	dropped 11:6	enforcement 37:7 63:14 71:23,24 81:10 84:11 85:25 87:15 88:4	expect 112:9
depend 79:5 115:19	discretion 63:5	drops 14:8	enforcing 36:18	explain 14:19 25:9 31:25 32:8 39:15 44:21 51:11,23 53:25 85:20 101:24 113:16 114:22
depending 108:23	discuss 18:11,14 95:17	Duckett 8:13	engage 33:19	explanation 19:17 104:9
depends 78:25	discussed 28:18 29:4,8 30:23 99:22 101:22 103:24 113:10,12	Due 8:7	enjoy 14:21,25	express 32:11 34:2
depicted 27:25 28:6 38:13 40:5	discussing 100:6	duly 10:14 24:20	entirety 107:21	expressing 23:2
depicting 77:15	discussion 98:4	dusk 49:24 50:19,23 51:20,25 52:13,20 53:7,16,20 54:2,7,11, 15,19 55:6,13,17,21 56:17,20 57:6,9,10, 12,21,22 58:9 59:4, 15,19 60:3,6,21 61:19,22 62:3 63:12 64:21 65:4,8,20	entitled 87:13	expression 32:25 33:8,19
deposed 10:21	discussions 18:16, 21 19:24 20:3 22:7	<hr/> E <hr/>	essentially 115:10	expressive 33:21
deposition 8:12 9:7 11:3 12:24 13:7,22 16:7 123:16,18	disrupt 102:25	earlier 39:10 54:22 101:22 103:3	etcetera 115:5	extend 63:24
derived 97:11	distance 79:9	earliest 57:8	event 48:22 53:2 109:8,14 110:3	extent 20:11,12
describe 11:11 13:2 68:6 77:14 117:2	distancing 8:9	easier 90:14	events 71:14 80:7, 12,21 81:2 109:9,21, 25 117:19,25 118:5	exterior 122:6
determination 36:20 43:14,16 111:15	distinction 33:20	East 86:5,11,15	exam 92:20 93:5	extra 52:19 71:24 84:11
determine 31:12 36:24 37:11 43:13 54:15,19 55:8,9 67:17 70:13 109:14	distinguish 33:5	East's 86:23	EXAMINATION 10:17	<hr/> F <hr/>
determined 31:15 36:25 43:6	district 9:11,12 12:11 69:8 70:8,9,10, 21,24 74:3	easy 46:9	excellent 83:2	face 22:10
determining 67:13	dividing 34:13	effect 45:8	exception 66:13,18	Facebook 77:11
differentiate 37:16	Division 9:13	Effective 15:24 89:15 90:25 92:17	exclusion 99:16,21	facilities 49:20 50:17 51:18
	dock 11:6	effectively 103:10	exclusive 25:2	facility 15:21 16:13, 22 17:2,8 23:24 24:21 35:7,13 36:4, 13,18 48:11 89:15 90:24 91:10
	document 15:15,21 16:3,10 23:23 24:4,7, 11,19 29:7 42:9 49:19 50:3,6,16 62:4 72:22 79:18 89:14, 16,19 90:2,5,7,10,24 91:2,7,16 92:8,11 93:16,22,25 94:3,10, 20,21 95:4,6 100:16 112:22 120:22	election 12:21	Excuse 106:2	
		element 34:17,19	exercise 109:15	
		email 22:9,13,15 68:14,18,20 69:16,24 70:3,11 72:25 74:6	exhibit 15:15,18 23:14,15,19 27:16,	

fact 87:22 98:18 99:19 factors 109:19 facts 83:3,7,9,16 85:21 fair 38:20 47:2 77:12 80:8 91:9 111:20 113:19 117:6 familiar 24:3,15,18 50:2,21,24 91:2 family 11:13 fashion 36:14 federal 8:22 11:17 feel 93:7,12 feelings 19:13,15 felt 19:17 fence 38:23 festival 117:4,5,7 118:10 figuring 65:24 filed 112:3,11 filing 110:8 112:7 final 93:2 find 60:8,12 99:25 fine 41:16 76:21 90:15,17 fit 104:24 five-minute 76:19 five-person 33:6,7 39:10 42:25 44:13 101:21 104:3,6 fix 14:4 flag 113:5,17 114:15, 25 115:15,18 flagpole 115:10,16, 19 flags 113:20,24 114:20 115:8,13,23 floating 99:20 Floyd 17:18 18:6 focus 25:6	focused 59:12 follow 62:13 foot 11:6 football 77:19 78:3 81:3 foreground 42:18 forgot 41:14 form 33:11,21 40:12 44:18 55:12 56:5 59:22 89:18 105:9 120:8 121:9 forwarded 75:20,23 fourth 57:13 framed 55:6 free 93:7 front 40:2,8 42:15 69:18 92:11 93:17 Frye 12:19,21 full 11:25 function 99:18 100:10 115:15 funding 67:2 68:4	give 58:20 88:22 111:20 118:18 glow 51:25 54:12,22 55:14 57:14,17 58:5, 10,14 goalpost 77:20 Good 8:2 9:21 10:2, 19,20 grant 110:10 granting 108:23 great 11:24 88:21 101:13 Greta 8:13 groceries 14:22 grocery 11:4,13 grounds 23:25 24:23 25:16 26:25 28:23 29:13 30:21 31:19 32:5 33:16,18 34:4, 15 35:4,17 36:10 37:20,23 38:2,19 39:2,6 45:17 46:23 49:23 50:18,22 55:17,20 56:12,17 60:16,19 61:18 63:11,16 64:6,11,23 65:6,16,18 66:8,11 67:3 80:14 81:21 85:14 96:12 100:7,17 102:8,15 104:23 105:6,12,19,23 106:8,12 113:25 114:20 117:12 118:6 119:9,10 122:5,6 group 24:25 30:10, 20 31:6,9,18 32:10, 14 44:4 45:19 96:2 103:6 groups 96:6 100:21 101:16 grown 85:11,22 guess 35:14 43:23 57:13 59:16 60:11,13 74:6 78:25 97:13 99:4 100:4 guessing 16:24 guidelines 62:13,14	<hr/> H <hr/> half 13:5 happen 60:20 happened 61:23 62:3 happening 103:2 happy 88:17 hard 52:9 55:8 111:5 hazard 81:15 header 73:11 74:7 112:25 health 107:18 hear 13:24 111:21 heard 9:10 21:17,23 76:11 hearing 21:19 held 12:17 15:3 47:23 historic 24:23 29:13 hold 109:8 holding 103:21 holiday 121:18 holidays 109:25 hour 13:5 hours 87:6,9 Hughes 73:8,11,15, 17,22 hundred 20:19,23,25 hurtful 69:22 71:4	ignore 23:18 images 79:5 imagine 80:11 immediately 43:9 45:11 100:20 101:15 102:5,6,16 112:7 impacts 72:5 impede 105:13 impedes 105:7 impeding 105:4 impermissible 32:20 impose 108:22 109:12 in-person 22:6 inch 115:4 inches 115:5 include 49:21 122:7 included 74:9 98:13 99:15 102:7 121:13 123:9 includes 110:23 including 24:23 63:17 Incorporated 8:6 increased 17:17 18:2,4 Indiscernible 116:7 individual 24:25 28:18 30:10 49:7 61:20 69:12 individual's 21:6 informal 97:14 information 86:11 Infrequent 37:24 infrequently 37:23 injunction 98:16 input 104:15 inserted 122:18 inside 102:24
	<hr/> G <hr/> gain 62:10 game 78:3 gate 56:9 gates 38:25 39:5,18 gather 26:13 30:10 46:10 gathered 46:13 77:18 gathering 25:3 31:14,21,22 32:2 40:9 77:22,25 gatherings 40:20 gave 18:8 general 13:11 70:22 George 17:18 18:6 Gillespie 24:20 25:11		<hr/> I <hr/> idea 76:12 identification 15:19 23:16 27:19 42:4 49:17 68:12 72:18 75:17 77:8 78:9 79:14,16 90:19,21 identify 28:3 identifying 114:12	

instance 79:8 121:2	July 75:21 89:15 90:25 92:9,10,14,16, 17 120:18,19,24	56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1,23 91:1 92:1 93:1,13 94:1 95:1 96:1,19 97:1 98:1 99:1 100:1, 16 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1,3 120:1 121:1 122:1 123:1,19	limitation 96:4	manner 108:22 109:4,6,7 121:3,16, 17,21,25
instances 48:9,13 88:8	June 16:18,19,20 17:3 74:8 120:18,19, 24		limited 122:9	
intelligence 59:10			Lindsey 73:17,22	manually 90:12
intent 29:19,22,25 30:4,8,11	jurisdiction 81:22		Lisa 13:10 75:20 94:14 96:17	march 15:25 81:3,5 82:11,16
intentional 99:18	justification 44:13		Listening 19:18	marched 81:13
interfere 25:19 92:19			literal 66:4	marching 85:12,23
interpretation 123:8	K		load 72:23	marked 15:18 23:15 27:18 42:3 49:16 68:11 72:17 75:16 77:7 78:8 79:13,15 90:18,20 93:23
introduce 9:19	keeping 72:6,10		location 22:19 27:24 28:3,6 38:13,15 40:5, 7 42:12,14 71:10,21	
involve 36:19 51:16	Kevin 12:19		long 12:14 13:4,13, 17 102:15 115:9	matter 9:8
involved 37:2,6 47:5 49:3,7 50:18 83:4,8 94:9 118:5	killing 18:6		longer 46:7 96:6 117:21	maximum 41:6
involves 60:15 69:17	kind 14:8 18:16,21 100:10 117:4	latest 95:5 119:4	looked 119:25	mayor 83:10 84:19 85:7 86:4,10
involving 103:5	knowing 111:9	law 71:23,24 81:10 84:10 85:25 87:14 88:3 121:22 122:2	lost 114:16 120:10 122:20	meaning 57:10,12 121:22,25
Isaac 9:22 72:20 88:18 92:7,18	knowledge 16:21 62:11,18,20 68:3	lawn 28:12	lot 52:4 53:8,9,10,11 70:25	means 34:10 56:9
issue 14:3,4,8,10 41:3 52:5 81:18 99:10	L	lawsuit 48:18 119:22 120:6,13	low 38:22	meant 84:5,8 86:10 116:17
issued 82:18	Lafayette 9:9 10:8 12:9 15:6 16:14 18:5, 22 69:20 73:25 85:9, 13 87:4 110:8	lead 120:4	lumber 114:13,14, 15,24,25	meeting 24:17 27:14 89:22 91:12 93:14 119:5
issues 51:16 67:2 69:16 81:25 82:6 100:11	Landon 10:3	learn 16:17,25 21:14	M	member 12:8 70:12 87:19
item 67:19	language 95:18 96:15 97:7 98:12,18, 23 99:13 100:5,6 104:6 106:21 108:11, 16 119:11,20 120:5, 12,21 121:2,6,14 122:11,18 123:2,4,8	learned 51:6	made 24:20 25:11,13 41:5 43:16 45:9 49:22 75:8 78:19 90:14 94:17	members 87:14 88:4,9
items 67:22		learning 54:10	magnet 71:11,16,18	memorial 100:21 101:16 102:7,17 122:9
iterations 98:10		leave 19:9,11 33:23, 25	maintain 29:25	men 85:11,23
J		leaving 29:3 32:3 103:18	maintained 16:14	mentioned 27:13 68:4
jail 68:7	Larry 24:20	left 57:14,17	majority 21:12,15 22:17 23:4	mentions 64:7,10
Janice 68:15,22	Larson 8:1 9:1,8 10:1,13,19 11:1 12:1, 3 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1, 21 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1	legal 8:4	make 14:5,13,17 35:21 47:15 48:6 109:8 111:7,15 112:10,13,18	met 13:3
January 9:15 89:22 91:11 93:15 108:13 119:5		legally 87:19	makes 36:2 52:9 87:18	metal 114:13
job 84:12		lenient 104:20	making 36:20	Michael 8:4
Joey 83:3		letter 84:19,22 86:4, 7,15,19,22 87:3	manifest 56:2	miles 52:8
John 9:8,25 10:6		letters 79:21 80:6 84:14,18,19		mind 59:25
join 14:20		letting 111:21		minute 27:15 97:18
judgment 111:15		lifelong 14:23		
		light 56:19		

minutes 49:24 50:19,23 51:20 52:12,19 53:6,16,20 54:2 55:17,21 56:17, 21 57:7,21,22 58:7, 15 59:3,14,19 60:3,5, 21 61:19,22 62:3,5 63:11 64:21 65:4,8, 20 88:23 97:22 118:18 miscalculate 60:20 miscalculated 61:22 Mississippi 9:10,12 10:4,9 12:7 73:24 80:7 86:16 87:8 misunderstand 43:11 misunderstood 45:6 moment 25:6 Monday 74:8 money 72:3,4 month 38:5 months 12:16 monument 18:22 19:4,21,25 20:16 41:2 42:17,21 43:10, 18 45:12 64:19 71:4 77:16 78:15 81:16 84:13 114:11 morning 8:3 9:21 10:2,19,20 motion 24:19 25:7, 10 50:7 98:15 mouth 62:16,18 move 19:8 moved 20:8 21:7,11 69:14 moving 70:5 72:6,11 84:18 multiple 98:10 <hr/> N <hr/> named 68:15 76:5	nature 11:2 17:6,10 25:13 33:20 81:7 91:18 108:24 necessarily 71:17 105:2 needed 26:15,18 28:22 45:10 62:2 67:20 newly 107:24 night 52:4 53:12,14 55:3 nonpermitted 82:16 nonprofit 95:25 96:5 Northern 9:12 notes 118:17 notice 85:23,24 notify 85:8 number 9:13 40:22, 23 43:7 46:11 81:9 numbers 23:20 <hr/> O <hr/> O'DONNELL 9:3 10:7,8 13:3,7 33:10 40:11 44:17 55:11 56:4 59:21 61:12 72:19 73:6 76:20 88:16,22 89:25 90:8, 15 92:2,5,15,18,25 93:3,9,13,19 94:4,6, 22 96:16,18,22 97:3, 15,23 99:11,24 100:12,24 105:8 108:17 116:6,12,15 117:23 119:15 120:3, 7 121:8,11,13 123:13 object 33:10,11 40:11 44:17 55:11 56:4 59:21 105:8 115:4 120:7 121:8 objected 14:16 objection 9:4 objections 14:14 90:10 objects 110:4	obligated 63:13 87:20 observation 54:16 obstruct 113:18,21 115:14,23 obstructs 115:15,18 obtain 25:2 28:19 obtaining 60:7 obvious 58:4,7 occur 56:20 occurred 56:20 83:18 100:2 off-duty 87:7 off-the-record 98:4 offensive 71:9 office 15:3 68:8 117:20 officers' 87:24 88:10 official 98:22 officials 80:7 Ole 81:3 on-duty 87:7 one-fourth 115:4 open 57:2 opening 38:23 operation 11:18 opinion 21:15 103:22 113:21 opposed 31:14 40:23 104:22 opposition 98:15 order 23:24 24:22 25:2 31:7 49:20 58:12 59:11 99:3 101:21 102:11 ordered 61:10 ordinance 27:3 ordinary 59:10 organization 95:25 98:12,23	organizations 95:12 96:6 97:11 99:15 organized 47:4 original 76:4 overtime 87:7 Oxford 9:13 11:17,18 12:6 14:23 18:5 69:2, 5,9,21 80:6 81:19 82:8 83:11 85:8,12 117:5 Oxford's 85:7 <hr/> P <hr/> p.m. 53:21 54:3 57:7, 18 58:22 98:3,5,6,8 118:21,22,23,25 123:17,20 paid 87:8 paragraph 69:15 71:8 74:5,12 85:6 87:4 100:17 106:16, 20 107:12,22 108:3, 7,12,20 110:2 112:24 119:8,10,12 122:5 paragraphs 100:7 119:15,21 park 29:2 part 23:8 26:5 43:2,4 44:14 45:16 47:13 58:13 64:3,5,15,18, 22 65:5,7,15,17 66:7 69:10,11 96:7 99:13 105:12 109:23 parties 8:17 83:4,7, 16 parts 104:22 Passidomo 76:5 past 74:13 78:20 peacefully 74:15 pedestrian 39:13 44:16 105:7,13 pending 8:25 people 20:23 24:22 25:3,15 26:9,13 29:12 30:10,20 31:6, 18 32:3,14 33:14,15, 17 35:4 36:9 40:9,15, 20,24 41:6 43:6 44:5, 7,14 45:9,20,21,23 46:13 47:5 53:9 62:14 70:8,19 71:2 74:14 77:18 81:11 103:6 104:24 106:5,7 113:20 117:10 perfectly 59:14,18 permit 24:25 25:2,4, 16,18 26:9,14,16,18, 25 28:17,19,22,23 30:22 31:4,8,20 32:6, 12,13,21 33:3,25 34:3,6,13,15,25 35:3, 13 36:11 40:16 41:7 44:8 45:10,22 46:11, 14 47:7,20,24 48:15, 24 49:4,7 51:18 60:7, 13 61:7 62:13 82:17, 19 100:19 101:14 102:4,13 103:13,19, 23 105:3 106:4,6 108:23 110:4,11 permit's 40:19 permits 43:8 60:15 100:18 101:9,11,13 102:3 permitted 33:6 115:8 117:15 permittee 110:4,6 permitting 39:11 person 20:22 21:19 26:15,17,24 28:22 59:10 60:18,22 61:3, 5,20,25 63:10,14 70:7 76:7,10 102:14 103:14,20 105:2,6,11 113:19 personal 23:2,5,9 personally 70:19 84:2 personnel 35:16 51:17 52:6,25 72:4 87:6,7 perspective 21:6 Pham 8:4
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Index: phone..referring

phone 80:12,21	22 58:13 59:3,5,7,11, 18 60:20 61:4,21 62:8,22 63:2 64:7,10 65:19 66:5,10 78:5, 24 82:18 89:15,21 90:9,25 91:10 95:6 96:7,8 97:5,9 98:11, 14,24 99:14 104:16, 20 106:22,25 107:17, 25 108:8,12 110:15 112:17 113:11,13,24 115:22 119:4,21 120:13	previously 106:21 107:16 115:12	25 71:19 72:3 74:15	real 61:10
photo 63:20		primarily 82:7 122:10	protesting 28:25 29:17,20 44:5 85:12	reason 39:10,12 40:14 73:12 102:19 121:13
photograph 42:6,10 77:10,15 78:11		print 88:18	protests 18:12 37:16 71:11,16	reasonable 108:22 121:3
photographs 27:21 39:20 46:16 64:25		printed 89:10 94:21	provide 20:13	reasons 17:13
phrase 95:11 121:20, 24		printing 89:2	provided 49:11	recall 13:12 17:13 48:24 50:13 51:6 68:20 75:2,4,23 77:22 78:18 91:14 104:2,5,9 117:5 118:12
phrased 29:11		prior 16:9,12,20 26:25 28:17 49:22 50:15 51:13 84:23 90:3 97:4 118:4	public 14:21,25 15:3 56:14 70:12 74:14 87:14,19 88:4,9 104:16	receive 68:18
physical 56:3	political 31:7,13,22 32:11 33:8,17,19 34:2 35:19 36:22 37:11,16 103:22	pro 71:11	pulls 51:12	received 11:19 69:24 111:3
picture 28:9 30:16 38:13,18 47:2 117:3	politics 32:17,18	problem 91:24	Pure 75:7 79:2	receiving 68:20
pictures 29:8 30:14 38:12	portion 61:17	procedure 8:23 13:23	purely 23:2	recently 91:22 119:4
piece 114:14,15	pose 107:18	procedures 82:21	purpose 83:12,15 93:21	recess 41:19 76:24 89:5 118:22
place 53:3 71:18 80:8,13 108:22 109:4,6 121:3,6,16, 17,21,24 122:10,21	position 12:15,18,21 23:3 31:8 44:5 59:13, 20 63:12	proceed 14:15	put 25:25 119:21 121:6	recipient 74:9
plaintiff 9:24 10:5	positive 71:14	process 31:17 34:25 61:7 109:24 110:14, 18 111:19	puts 52:15,23	recognize 27:24 28:6 38:12 40:4 42:12 116:23
plaintiffs 9:19	possibility 52:2	produced 89:13,17 98:19	<hr/> Q <hr/>	recollection 19:2,7 74:19,23 91:19
plastic 114:13 115:2	possibly 111:8	prohibit 114:23	question 14:4,16 20:24 26:5 33:12 40:17 44:10 45:3 50:20 54:5 56:6 58:20 59:23,24 61:8, 15 64:9 67:7 72:20 106:9 109:22 114:16	recommendations 17:4,7
plate 11:6	post 77:11	prohibited 33:8 103:23	questions 13:11,24 59:12 123:12,14	record 8:11 9:16 12:2 41:18,22 76:23 77:3 88:25 89:4,8 97:24 98:3,8 118:16, 21,25 123:17
play 67:9 81:25 116:2	poster 103:21	prohibits 113:24 114:19,25	quietly 13:25	recording 8:19
played 116:21	potential 103:5	projected 78:15 79:6,9	<hr/> R <hr/>	records 22:21
playing 116:19	potentially 65:12	projection 78:18,23	ran 90:7	redline 90:6,13 94:23 96:20 97:10,20 98:25 100:15,24 101:4 106:16 112:22
point 18:23 32:20 35:5 36:12 43:7 45:13 78:19	practice 8:8 55:22	promote 31:7	Rash 9:9,25 10:6 48:21	redlines 97:14
Poles 114:24	predict 58:14	proper 81:10	Re-ask 40:17	reference 43:8
police 52:7 85:8	preliminary 98:16	property 69:20 74:14 79:10	reaction 120:13	referring 39:16,23, 24 40:2 42:17,24 43:3 74:17 80:25 83:23 118:8
policies 36:24 37:5 90:12 95:7 117:15,17	preparation 16:7	proposed 17:11,14 49:22 104:2,5 106:17 108:4,24	read 61:14,16 69:25 87:22 101:8 102:3	
policy 15:22 16:13, 22 17:2,9 23:24 24:21 25:11,14,22 26:2,15,17,21 27:7, 10,12 29:9,20,23,24, 25 30:4,5,8,9,12,19 34:20 35:8,14 36:4, 13,19 37:7,8,14,15 39:11 40:18 41:9 44:23 48:11 49:11,21 50:17 55:5,15 56:15,	prepare 12:23 81:11 85:25	prosecution 11:16	reading 114:17	
	presence 26:24 44:14	protect 75:6	reads 59:6	
	present 71:10,21 87:25	protest 17:17 18:2,4, 16,18 33:8 34:16,23 35:19 36:22 37:12 45:20 47:4,6,18,23,		
	pretty 46:9 55:25 57:20,23 58:4,7 121:15			
	previous 15:12 26:2, 21 27:12 122:4			

reflect 22:24,25 23:5, 9 100:8 reflected 101:21 reflecting 22:21 reflects 50:6 regard 25:22 42:24 105:24 regularly 11:14 37:22 regulates 115:9 related 17:16,21 18:2,12,16,21 19:4, 20,24 39:12 67:2 82:2 relates 92:9 relax 30:9 relaxing 26:20 rely 70:8 remember 17:12,23, 24,25 18:14,15,19, 20,25 19:24 20:4,10 21:3,5,19 91:13,20 95:21,23 103:3 104:18 remote 8:19 9:7 remotely 8:12,16 repairs 68:7 repeat 26:5 27:8 33:12 36:16 64:9 69:3 91:4 95:22 rephrase 44:10 50:20 54:5 56:6 58:19 59:24 61:7 reporter 8:13 10:11 61:14,16 96:25 114:3 Reporting 8:6 represent 9:24 12:12 23:10 70:10 represented 89:20 representing 10:5 request 87:18 requested 61:17 75:25 76:2	requesting 87:5 require 25:4 34:6 43:8 44:8 47:7,20 105:2 required 40:19 82:21 100:18,19 101:9,11, 14,15 102:3,4 105:2 110:5 requirement 49:21 50:22 51:2,7,9 requirements 26:21 requires 31:4 55:16 66:10 requiring 40:16 49:23 reserves 107:15 108:21 109:11 resident 14:23 resides 69:12 resolved 14:11 resource 72:9 resources 52:12,14, 17 71:13,21 72:2 respect 43:16 81:25 91:15 99:8 104:21 respond 76:16 responded 82:23 responds 83:19 response 22:9 119:22 120:6 responses 22:12 responsibility 66:22 82:8 responsible 94:12 rest 105:18,22 106:12 restate 14:4 restriction 109:4 110:5,7 121:21,25 restrictions 108:23 109:12,14 110:11 121:4	Rethy 9:2,21,22 10:18 15:20 23:17 27:20 41:12,23 42:5 49:18 61:13 68:13 72:21,24 73:7,21 75:18 76:18 77:4,9 78:10 79:17 88:14, 20,24 89:9,23 90:4, 22 92:21 93:7,11 94:5,8,24 95:2 96:21 97:12,17,25 98:9 99:23 100:3,14 101:2 116:8,22 118:15 119:2 123:11 review 84:22 95:6 reviewed 84:25 85:2 revision 49:20 89:20 revisions 90:3 92:9 94:3 Rikard 83:19 84:5,8 rise 18:9 risks 107:18 road 12:6 81:14 role 67:9 81:24 room 8:10,14 rough 20:14 rule 8:22 39:11 42:25 44:13 101:21 104:3,6 rules 8:23,24 107:17 run 12:20 running 52:2 <hr/> S <hr/> safety 17:15,16,20, 22 18:9,11 30:2 41:3 51:16 52:3 81:18 82:12 102:21 107:18 sat 30:21 scanned 84:24 school 15:7,8,10 screen 116:2,4 117:21 second-to-last 87:3 112:21	seconded 24:20 25:7 section 95:10 96:11, 24 97:6,8 seeking 87:23 sees 116:15 self-evident 56:8 self-explanatory 121:16 selling 14:22 sending 84:8 sense 14:5,17 20:14, 21 22:22,23 37:9 55:4 84:4,7 86:9 sentence 101:8,9 separating 79:20 series 27:21 46:16, 21 103:4 serve 14:25 71:11 served 83:13,16 serving 14:21 set 28:14 37:7 39:20 67:13,14 107:17 sets 103:21 setting 67:10,11 75:14 severity 8:7 share 59:16 80:11 115:25 sharing 117:21 sheet 79:20 84:15 sheriff 17:5 47:15,21, 25 51:14 66:25 67:8 68:3 74:13 75:8,11, 14 80:3,10,25 83:20 85:2,6,18 86:5,11,15, 23 87:13,23 109:18 120:18,20 121:7 sheriff's 35:9,10,15 36:5,10 37:2,4,10 48:3,10 51:17 52:6,9, 11,24 63:4,7,12 66:3, 22 67:6,10 68:8 80:17 82:24 85:10	87:5,18 88:8 shoplifter 11:16 shorter 58:23 shot 111:21 showing 116:24 shows 36:11 46:21 50:10 78:14 117:3,10 sic 100:21 side 38:17 40:3 41:4 44:6 45:21,24 46:13, 22 sides 43:23 sidewalk 39:14,15, 17,22,24 41:2 42:20, 23 43:3,9,17,19,21, 25 44:9,15 64:2,14, 18,20 65:3,8,15,17, 20,24 66:5,15 105:4 sidewalks 25:18 39:25 40:10 66:14 Signs 112:25 113:2 similar 95:6 simple 55:25 simply 86:11 Simpson 9:23 simultaneous 25:24 48:2 73:20 93:6 95:20 single 20:22 26:15, 17,24 28:22 60:18,22 61:2,5 sir 14:6 102:18 sit 28:19 47:5 103:14 sits 32:15 sitting 29:2 103:6,18, 20 situation 47:9 52:7 111:4 sky 57:17 58:15 slip 84:15 social 8:9 31:14,21 32:2
---	--	--	--	--

Index: soft..unanimously

soft 27:9	starting 52:12 53:6 101:9	57:15 58:5,10,11	technically 29:4 82:3	today 13:18 24:12 54:8 60:2 84:23
solicit 104:15	starts 52:19 80:2	sunlight 54:13 57:14,17	telephone 22:6	today's 9:14 12:24 123:16
someone's 113:18, 22	state 8:24 11:25 12:4	sunset 60:10,11	telling 86:10	told 57:19
sort 42:20 63:13 77:12 89:12,20 98:21,25	stated 36:5 37:13	supervisor 76:15	tells 14:14	toll 83:21 84:2,10
sought 109:15	statement 83:22	supervisors 12:9 14:20 15:5 19:3 30:25 47:10 49:6 50:7 66:21 75:12 80:3 94:16 110:8,22	tents 117:11	topic 32:17
space 31:7 45:10 81:14	states 9:11 100:18	supervisors' 62:5	term 15:5	total 44:7
speak 10:15 85:21	stating 59:19	support 51:9,20	terms 13:22 29:12 54:22 55:6 66:4 80:25	town 81:19
speakers 25:24 48:2 73:20 93:6 95:20	statue 19:8 20:7,8 21:7,10 22:18,25 24:24 40:2,25 41:7 63:17,20,21,23 64:3, 4,8,11,15,16 68:14 69:18 70:5 71:10,15, 20 72:7,11 73:2 74:20 75:7 84:12 102:23 104:21,25 105:18,22 106:6,11	surround 81:20	testified 10:16 11:16 39:9 119:14	track 61:8 99:2
special 117:19,25	stayed 34:2	surrounding 44:15 45:11 63:23 100:20 101:16 102:6,16	testify 11:15 19:23	traffic 39:13 44:16,20 52:4 53:10 82:11 105:4,7,13
specific 29:17 54:25 62:19,20 67:21 96:11 100:7 121:12,22,25	staying 32:6,9 34:4, 8,9,14	swear 8:15 10:11	testimony 11:8 43:11 45:13 57:6	traffic-safety 81:25 82:6
specifically 43:17 51:19 64:7 82:15 122:18	stays 36:24	swearing 8:19	text 22:9,13,15	transcript 23:22
speculate 10:25 44:19 46:3 47:8 54:25	stipulate 8:17	sworn 10:15	Thacher 9:23	treat 117:19
speculating 16:19 53:13 58:17 62:17	stood 45:21	<hr/> T <hr/>	Thames 10:2,3	treated 105:23 106:3,13
speculation 47:11 75:7 79:3	store 11:4,13	tab 15:16 23:12,19 27:16 29:8 30:14 41:25 46:15 49:14 63:19 64:25 68:9 72:15 73:6 75:15 77:5 78:7 79:12 94:20 107:3,5	thick 115:19	treating 105:17
Speculative 105:14	straight 97:22	taking 53:3 83:3,7,9, 21 84:2,10 91:15	thickness 115:4	trials 122:23
spent 72:3	strain 71:12 72:2,10	talk 20:25	thin 52:15	truck 11:5
spoken 13:6,9	strains 71:21	talked 20:22,23 21:2 27:14 119:3,8	thing 41:24 43:20	truth 10:15,16
spot 46:4,6,8,9,11 47:7	street 41:4 81:12,17	talking 13:25 28:8 30:5 35:2 40:19 61:7 70:20,22 103:4 105:25	thought 90:13 114:10 116:17	TSG 8:6
spread 46:6	streets 81:19,20 82:2,7 85:13	Tannehill 84:20 86:4,10	thread 80:2	turn 23:12 27:15 28:5 29:6 30:13 38:11 39:19 40:4 63:19 64:24 68:9 72:15 77:5 78:7 79:12 84:14 86:14 94:19
square 28:4 30:21 32:15,19 38:20 52:3, 8 53:9 81:13,16,20	stress 52:16,19,23 53:5	tasked 35:16	threshold 40:15	turned 32:19
stand 40:25 41:4,6 45:16 83:4 96:19 117:16	struck 95:12,15,18	Taylor 73:24	time 9:15 10:22 34:17,19 37:25 38:7 41:15,17,21 51:14 53:15,17 54:5,7,11, 17,20 56:18 57:3,13, 20 58:8 61:8,10 70:16 76:22 77:2 79:2 81:10 84:11 87:15,24 88:5,10 89:3,7 98:2,7 108:22 109:4,5,7,10 114:9 118:20,24 121:3,16, 17,21,24 123:17,21	turning 100:15
standard 57:21,24 123:20	stuff 116:4	team 81:3	timing 112:17	turns 32:17
standing 65:13	subject 34:3 80:5	technical 14:2,8,10	titled 23:23 49:19 68:14 73:2 89:14 90:24	type 47:19
start 9:6 15:4 32:18 52:2 74:6	substance 33:15			<hr/> U <hr/>
	suing 11:5			Uh-huh 30:15,18 122:12
	summer 18:12,17,24 19:5,21,25 51:4 74:21 91:23			unable 55:9
	sun 52:2 54:13 55:14			unanimously 104:12

unannounced 81:9, 15 82:4	19,21,24	winter 53:20 58:22	
unclear 98:20	video-recorded 9:7	won 78:3	
underfunded 67:6	view 67:5 78:22 95:24 113:18,21,22 115:14,15,19,23	wood 114:13,14,15, 24 115:2	
understand 26:4 27:11 44:11 45:19 53:5 56:7 59:9 95:14 113:7	views 23:2,5,9 32:11 99:6	word 34:11 62:16,17 89:18 95:11 113:5,7	
understanding 22:16 25:12,20 26:12,14,19,23 27:6 28:16 44:22,24 45:2, 12 48:17,20 59:17,20 77:24 80:24 104:19 109:3 110:17 111:17 113:23 114:19,23 121:19	violate 27:2 78:23	words 78:15 99:9	
understood 23:3	violated 107:16	work 10:3 51:18 110:18 116:3	
unique 111:4,8	violating 60:19	world 56:3 99:10	
United 9:11	violation 56:21 59:3 61:21 64:21 65:4,8, 13 79:4 82:17 83:17	write 122:25 123:4	
university 80:6 81:13 86:16 87:8,24	violations 82:18	writes 85:6	
unusual 88:12	vote 19:10,12 70:5 72:6,10 104:12	written 22:5,9,11,14 23:22 110:9 119:15	
unwritten 66:18	voted 19:8,11 50:7	wrote 76:12 84:5 122:13,14	
Usage 106:17 107:12 108:4	votes 19:3		
user 107:16		Y	
V	W		
vacation 50:14	waiting 72:22	year 15:4 38:9 53:17 78:20 118:12	
validity 8:18	walk 32:4	years 10:25 14:23 15:7,11,12 118:13	
varies 53:16 55:7	walked 30:20	yesterday 16:5,9,12 89:18 90:8	
variety 55:7	walking 34:4 64:20 65:3,7,9,12	Z	
venue 82:4	walks 32:14 56:16	zone 41:15	
version 90:8 91:10 96:20 97:8 98:13,24 99:8,17,20 100:10,25 101:4 108:2,3 119:4	wanted 14:24 17:8 20:7,8 21:10,13 22:18 32:11 45:20	Zoom 13:23	
versions 98:19 100:9	wanting 48:21		
versus 9:9 53:6	water 41:11		
vicinity 43:9,18	week 74:13		
video 8:18 116:2,10,	weird 116:4		
	west 38:17		
	whatsoever 85:24 88:6		
	white 69:23		
	widely 62:7		
	width 115:5,16		
	window 116:10		